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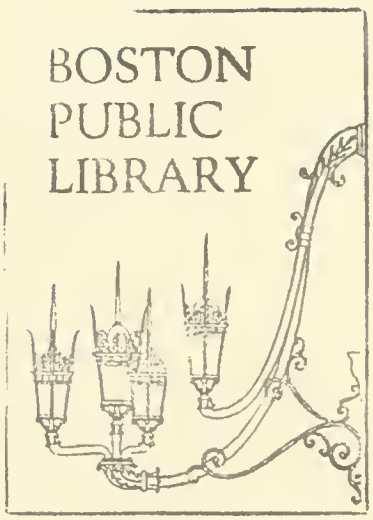
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Rowes Wharf Development

Volume Two

Chapter VI Comments and Responses

Selected Appendices

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Final
Vol. 2,

Final Environmental Impact Report

Project Proponent:
Rowes Wharf Limited Partnership
an affiliate of
The Beacon Companies

Prepared by:
Skidmore, Owings & Merrill
Jason M. Cortell and Associates Inc.
Vanasse/Hangen Associates, Inc.
Tech Environmental
Wright Brothers Facility, M.I.T.
Hansen, Holley and Biggs Inc.

July 1984

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Rowes Wharf Development

Volume Two

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Appendix 2: Traffic and Parking*

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Appendix 7: Bioassay/Bioaccumulation Report; EP Toxicity Test Results*

* Appendices 2, 3, 5, and 7 are available for review at the Executive Office of Environmental Affairs' MEPA Unit and at the Boston Public Library. Individual copies of these detailed technical documents are available upon request from Skidmore, Owings & Merrill (617-247-1070).

VI Comments and Responses

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

Comments on the Draft Environmental Impact Report (EIR) were received from the following agencies and interested parties:

1 Certificate of the Secretary of Environmental Affairs on the Draft Environmental Impact Report

2 Boston Educational Marine Exchange

3 The Boston Harbor Associates

4 Boston Harbor Sailing Club, Inc.

5 The Boston Preservation Alliance

6 Boston Redevelopment Authority

7 Boston Water and Sewer Commission

8 Choate, Hall & Stewart

9 City of Boston, The Environment Department, Boston Landmarks Commission

10 City of Boston, The Environment Department, Conservation Commission

11 Commonwealth of Massachusetts, Aeronautics Commission

12 Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Coastal Zone Management and Department of Environmental Quality Engineering

13 Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Department of Environmental Management

14 Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Department of Environmental Quality Engineering, Division of Air Quality Control

15 Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Department of Environmental Quality Engineering, Division of Water Pollution Control

16 Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Massachusetts Environmental Protection Agency

17 Commonwealth of Massachusetts, Executive Office of Transportation and Construction, Department of Public Works

18 Harbor Towers I Condominium Association

19 Massachusetts Bay Lines, Inc.

20 Metropolitan Area Planning Council

21 Padjen Architects, Inc. on behalf of the Boston Society of Architects

22 U.S. Department of Transportation, United States Coast Guard

23 U.S. Environmental Protection Agency, Region 1

These letters are reproduced and responded to in detail on the following pages. They are presented in alphabetical order, as shown above, according to the agency or party's name. Each letter is numbered and each separate comment within each letter is also assigned a number. The numbers assigned to each letter and each comment within are sequential, with the number of the letter followed by the number of the comment. For example, the second comment within the first letter in this Chapter is referred to as 1.2.

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

MICHAEL S. DUKAKIS
GOVERNOR

JAMES S. HOYTE
SECRETARY

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

ON THE

DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Rowes/Foster Wharf

PROJECT LOCATION : Boston

EOEA NUMBER : 4992

PROJECT PROPONENT : The Beacon Companies

DATE NOTICED IN MONITOR: April 9, 1984

The Secretary of Environmental Affairs herein issues a statement that the Draft Environmental Impact Report submitted on the above-referenced project does adequately and properly comply with Massachusetts General Laws, Chapter 30, Section 62-62H inclusive, and the regulations implementing MEPA.

Reviewers of the Draft EIR have filed excellent comments which, to an unusual degree, highlight the critical environmental issues posed by this project. The issues are as follows:

1. Intrusion into the harbor, interference with navigation, public amenities.

The joint CZM/DEQE comment and the U.S. Coast Guard comment state the issues clearly. These relate to public amenities provided by the project, public open space lost to the project, and hindrance to navigation posed by the project. 1
Those comments and the related comments submitted by Massachusetts Bay Lines, Inc., The Boston Harbor Associates, and Boston Harbor Sailing Club, Inc., speak for themselves, and must be responded to. Some points of special concern to me are:

a. permanent public amenities must be provided in exchange for any irrevocable license to fill. I find it unacceptable for such amenities to be seen as only temporary, or for them to impose a hindrance to navigation in exchange for the public benefit conferred. 2

b. It appears that there are unresolved conflicts between navigation fairways, ferry slips, small boat marina space, special anchorage areas and the mouth of Fort Point Channel. These should be resolved for the Final EIR or, if they cannot be resolved, the choices and trade-offs should be clearly stated. 3

c. Based on comments to date, it appears that the project will have to be pulled back, at least to the U.S. Pier and Bulkhead line. The project modifications this will entail should not be done at the expense of public amenities, or at the cost of pushing the project higher. 4

2. Project Height.

The project presented in the ENF and Draft EIR does not exceed 165 feet in height on Atlantic Avenue, or, apparently, 3-7 stories on the "finger piers." I did not require by the Scope that a lower alternative be examined, although Boston Preservation Alliance and Boston Harbor Associates did, and still do, urge me to do so. (It is worth pointing out that 46- and 35-story towers are being erected immediately across the expressway from this project, apparently without MEPA review as to height.) My scoping decision not to require evaluation of a lower alternative still stands. On the other hand, I have not been notified by the project proponent of any increase in height. Any increase above 165 feet, would, in my judgment, be significant, would entail formal notification to me of a project change (MEPA Regulation 10.16) and would reopen the question of whether a lower alternative should be examined. Increases in finger pier heights would give rise to a similar concern. 5

3. Visual Impact.

An unfortunate visual impact of the project will be in closing off the end of Broad Street. This will be especially regrettable if the Commonwealth achieves the depression of the Central Artery. A similar problem will be posed for High Street (note that removal of the High Street ramp is part of any Central Artery modifications). Apparently, (see Appendix 4), Massachusetts Historical Commission has already determined that a "visual terminus to the Broad Street Corridor" (page 90) does not affect the Customs House Historic District. I would hope more could be done to preserve a view to the sea down Broad Street (see Boston Landmarks Commission comment). The Final EIR should give further attention to these issues, should include in the (already excellent) graphic presentations a version of view D with Depressed Central Artery, and should explore responsive design modifications. 6

4. Wind.

The Draft EIR has responded to the requirements of the Scope. I will review with interest the wind tunnel results to be presented in the Final EIR, particularly with respect to the Boston Harbor Sailing Club comments. Presumably, the analysis will draw on International Place studies and present results with and without that project. 7

5. Dredge, excavation, disposal.

EPA, CZM and DEQE comments address this fully. The Final EIR shall present mitigation for dredging, and plans and locations for dewatering and disposal. 8

6. Construction Impacts.

Study of construction impacts was not called for by the Scope. It appears, though, that International Place, three times larger, will be occurring nearby and simultaneously. Construction conflicts could impose heavy burdens on area businesses and transportation, as well as delaying either project and increasing project costs. The proponent should therefore determine, in conjunction with the International Place developer, how conflicts may be avoided, and in addition should include in the Final EIR a commitment to confine to the project site or other non-public areas all construction activities, including construction staging, truck waiting and worker parking. 9

* * * * * * * * * * * * * * *

It appears that the proponent may be constrained to change either the project footprint or height, or both. I should be notified of any such changes pursuant to MEPA Regulation 10.16. This should occur sufficiently in advance of the filing of the Final EIR for me to notify the appropriate agencies and groups, consult with them, respond to the notification of project change, and have such response reflected in the Final EIR or otherwise, as required by Regulation 10.16. 10

Enclosed are copies of all comments received, which should be included in the Final EIR. 11

May 16, 1984
DATE

JAMES S. HOYTE, SECRETARY

JSH/JW/dc

Enclosures

LETTER 1

Executive Office of Environmental Affairs
The Secretary
May 16, 1984

(1.1) COMMENT: Other comments submitted regarding Rowes Draft EIR.

RESPONSE: All comments submitted during the review period to the Secretary of Environmental Affairs have been fully responded to in the Rowes Wharf Final Environmental Impact Report (EIR) text and/or in this comment review section.

(1.2) COMMENT: Provision of permanent public amenities.

RESPONSE: Permanent public amenities are an integral part of the Rowes Wharf Development. These will include the permanent construction of:

- o A 2,500 square foot enclosed ferry terminal, with additional space up to 5,500 square feet identified for future expansion.
- o Docking space for ferryboats to accommodate at least nine boats an hour.
- o A marina, containing approximately 50 slips, with half the slips available for use by the transient general boating public.
- o A public dinghy dock, available to transient boaters anchored in the Special Anchorage Areas and elsewhere in the Harbor.
- o Public open space, which comprises approximately two-thirds of the project area, including plazas, landscaped areas, water, and walkways along the parcel's entire perimeter.

The permanent amenities will be guaranteed through a combination of lease agreements with the Boston Redevelopment Authority (BRA), Chapter 704 of the Acts of 1983, and Chapter 91 License. Though modifications to the project have been made in response to navigational concerns raised by interested parties and agencies, all public amenities have been maintained or enhanced with these changes. The public amenities as well as their relationship to the Harbor lines are discussed in greater detail in Chapter IV: Water-Related Activities, the response to Comments 1.3 and 1.4 below, and in Appendix 6: Notification of Project Changes.

(1.3) COMMENT: Conflicts between navigation fairways, ferry slips, marina, Anchorage Areas, and mouth of Fort Point Channel.

RESPONSE: All navigational conflicts have been resolved by the modified design that contains all project structures within the State Harbor Line and U.S. Pierhead and Bulkhead Line of 1940, or, as in the case of Anchorage Areas, are in the process of being resolved through coordination with the appropriate agencies. At the suggestion of the U.S. Coast Guard and the Harbormaster, the proponent has initiated a proposal for the reconfiguration of the Anchorage Areas, presented in detail in Chapter IV: Water-Related Activities. This reconfiguration and the elimination of structures in navigable waters resolve potential conflicts with the mouth of Fort Point Channel and fairway access to the ferry terminal.

The public dinghy dock has been relocated from the initially designated location in the southern inlet to the inlet between the north and central piers. This eliminates potential conflicts with incoming ferries, provides better protection from wave action, and serves the public Anchorage Areas more directly.

The issue of maintaining an adequate fairway between the Anchorage Areas and the northern-most slips of the proposed marina was raised at a meeting on May 12, 1984, with the U.S. Coast Guard and the Boston Harbormaster. The Harbormaster indicated, and the Coast Guard concurred, that maintaining a fairway was a managerial procedure that would be handled by the Harbormaster as part of his responsibilities in overseeing the Special Anchorage Areas and the positioning of moorings within the Areas.

(1.4) COMMENT: U.S. Pierhead and Bulkhead Line.

RESPONSE: In response to interested parties' and agencies' concerns, the project has been modified so that all structures are now in non-navigable waters within the State Harbor Line and U.S. Pierhead and Bulkhead Line of 1940. The ferry dockage is now horizontal along a floating dock and can accommodate at least four capacity-loaded boats within an hour period, as outlined in the Draft EIR, Chapter IV: Water-Related Activities. While making this change, other refinements were made which include an expanded

boarding area with two access/egress ramps for better handling of crowds, and the identification of 5,500 square feet within the building on the southern pier into which ferry activities can expand as necessary. The marina plans were revised to maintain all slips within the State Harbor Line and U.S. Pierhead and Bulkhead Line of 1940, and to provide individual slips to help reduce potential damage to boats from storm conditions in the Inner Harbor. As in the original plan, one half of the slips are reserved for the general transient boating public.

(1.5) COMMENT: Notification of project height increase.

RESPONSE: A notification of change in the project height was submitted to the Secretary of Environmental Affairs on June 7, 1984 (see Appendix 6). The Rowes Wharf Limited Partnership[1/], an affiliate of The Beacon Companies, modified the project design to reflect a steel structural system rather than the concrete structural system originally specified. The reasons for this decision--which include an accelerated construction schedule, design, constructability, marketing, and cost--are outlined in Appendix 6. While this construction system results in an additional 17 feet at the highest point of the structure to accommodate the steel system, the project is maintained at the original number of stories throughout, or 16 stories at its highest point, and no additional floor area is created.

This project change has been reviewed and approved by the Boston Redevelopment Authority/Boston Society of Architects review team (see Attachments 1, 2, and 3 of Appendix 6). Following review by the Secretary of Environmental Affairs and the public, the Secretary found that the "addition of one foot per floor will not so significantly increase the environmental consequences of the project as to warrant rescoping..." Comments on the Notification of Project Changes are included in this Chapter. The Final EIR has been modified to reflect the height change.

1/ The Rowes Wharf Limited Partnership is hereafter referred to as the proponent.

(1.6) COMMENT: Preserve view to the sea down Broad and High Streets, present View D with depressed Central Artery, and explore design modifications.

RESPONSE: As shown in a series of views and discussed in detail in Chapter IV: Visual Quality and Urban Design, the design has been altered in response to concerns about the view down Broad Street. The central arch has been enlarged from a 60-foot width to 72 feet to allow a larger viewing area that will provide a more prominent view of the sea from Broad Street. Walking down Broad Street, the gradually increasing Harbor view through the widened archway will attract the viewer to Rowes Wharf and the sea. This processional experience, traced in a series of views down the Broad Street corridor, will be greatly enhanced if the Central Artery is depressed (see Chapter IV, View D).

From High Street, the view of the project changes as the observer walks around the curve. Rowes Wharf is first visible from Batterymarch Street where there is a view along the northern promenade to the sea (see View F). If the High Street ramp is relocated, the archway will also be visible from this perspective. Approaching the Surface Artery, a panorama of the Harbor is provided through the archway (see View E).

The enlargement of the central arch emerged from an indepth exploration of design modifications in response to comments received on the Draft EIR. This and other alternatives were reviewed with representatives of The Boston Preservation Alliance and Boston Landmarks Commission on July 3, 1984. As a consequence of this meeting, the 12-foot increase in the arch's width is presented as the modification that most fully addresses the "visual" concerns of these groups while not cutting off other important views from High Street and from Atlantic Avenue.

(1.7) COMMENT: Wind analysis.

RESPONSE: The Final EIR, Chapter IV: Wind, as well as Appendix 5, provides detailed information on the wind tunnel results and fully responds to all wind impact comments received on the Draft EIR.

As reviewed by Dr. Robert J. Hansen of Hansen, Holley and Biggs Inc., the introduction of the Rowes Wharf Development should have a very limited effect on the wind environment as it affects sailing and mooring in Anchorage Areas A, B, and C as shown in Figure IV-50 of the EIR. Based on an examination of the erosion patterns of particles in the wind tunnel report prepared by MIT, the basic cause for shifts in wind direction and magnitude is the presence of the Harbor Towers, and not the addition of the Rowes Wharf project. Wind tunnel studies were completed with and without the proposed International Place project and the results are discussed in Chapter IV: Wind.

(1.8) COMMENT: Mitigation for dredging, and plans and location for dewatering and disposal.

RESPONSE: Individual responses to the concerns of EPA, CZM, and DEQE have been provided. Mitigation for dredging is included as a response to the combined DEQE/CZM Comment 12.13.

Dewatering, in the usual sense, will not be necessary for this project; that is, there will be no dewatering from stockpiling dredged or excavated material for drainage prior to disposal. The material to be excavated is either miscellaneous fill and building rubble or very dense native clays, neither of which require dewatering. The only discharge during construction will be of accumulated rainwater or that groundwater which percolates through the clay materials to the foundation excavation.

The proponent has been working closely with DEQE, Office of Solid Waste, concerning the alternatives and conditions for disposal of the excavated material. Sites currently under consideration are the America East property in Lynn, the DeMateo Landfill in Saugus, or the Squantum Point Fill in Quincy.

Responses to the combined DEQE/CZM Comments 12.9-12.14, and the Final EIR, Chapter IV: Water Quality, Dredging, and Filling, present measures for mitigating effects from dredging and elaborate on dewatering and disposal plans and locations. The issues are also summarized in the Construction section of Chapter IV.

(1.9) COMMENT: Construction impacts.

RESPONSE: Construction impacts are addressed in the Final EIR. Each relevant impact category discusses construction in greater detail than in the Draft EIR and a new section that summarizes major construction issues was added to Chapter IV.

The proponent has met with the developer of International Place at Fort Hill Square and reviewed the proposed construction schedules for each project, the overlapping phases, possible impacts of contemporaneous activities, and potential mitigation measures. The only potential truck traffic impacts were identified for Purchase Street. These should be avoided by a construction staging and logistics plan being prepared by the International Place developer. The developers of the two projects are arranging another meeting in September 1984 at which time such issues as possible coordination of shuttle services to construction worker parking areas can be discussed further. These coordination issues are discussed in greater detail in Chapter IV: Construction.

In terms of the Rowes Wharf Development alone, all roadway access to the site is via Atlantic Avenue. The construction of the subsurface garage foundations will necessitate that a portion of Atlantic Avenue be closed to traffic to provide space for staging work. The proponent has prepared a construction phase traffic control plan, which maintains vehicular and pedestrian capacities as detailed in the Final EIR, Chapter IV: Traffic and Parking. The issues are also summarized in the Construction section of Chapter IV. City officials from the Traffic and Parking Department have reviewed the plan and given initial concept approval.

(1.10) COMMENT: Notify Secretary of project changes.

RESPONSE: As noted in the response to Comment 1.5, a Notification of Project Changes, addressing modifications in the project's footprint, height, and parking, was submitted to the Secretary of Environmental Affairs on June 7, 1984 (see Appendix 6). Comments and responses to this Notification are also included in this Chapter.

(1.11) COMMENT: Inclusion of all comments in Final EIR.

RESPONSE: All comments are included and responded to in the Final EIR. Please note that a full response to MEPA staff notes related to the traffic analysis is included as Letter 16 from Steve Kaiser. In addition, modifications have been made to Chapter IV: Traffic and Parking as appropriate.

Boston Educational Marine Exchange
54 Lewis Wharf · Boston, MA 02110 · 617-523-7611

8 May 1984

Secretary James Hoyte
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202
Attn: MEPA Unit

Re: EOEA #4992

Dear Secretary Hoyte:

I have read the draft EIR on the Rowes Wharf development with considerable interest and appreciate what a job it is to get anything going on Boston's waterfront.

My main concern and that of the Boston Educational Marine Exchange is to see that we don't lose through short-sighted planning the possibility of providing needed docking facilities to accomodate a potentially greatly expanded harbor activity generated by the over $3 billions worth of development projects currently in design or under construction for the harborfront. 1

As we see it, the two most logical areas for docking expansion serving downtown are Long Wharf, linked to the Aquarium MBTA Station, and Rowes-Fosters Wharves, within reasonable distance of the South Station Transportation Center and MBTA stop. A landing at Summer St. in the Fort Point Channel more directly linked to the South Station terminal is another logical site.

Long Wharf, the focus of Boston's mercantile activity in the past, has become but a shadow of its former self with the filling of land and is already overcrowded. As they stand, plans for refurbishing the wharf would provide only a modicum of additional space. The Rowes Wharf development plan is designed to increase existing docking space somewhat to accomodate current needs of the boat operators interviewed with an anticipated peak demand of two 150 passenger boats debarking at a given time. Provision for expanding the ferry terminal to 8,000 sq. ft., if need be, is made clear in the EIR, whereas I could find nothing in regard to provision for future expansion of the accompanying docking area. 2

It is very clear to us that with the magnitude of development being proposed or in the works for the harbor periphery and with the statement made by some of the developers that water transportation is a vital need that now is the time to make provisions for the city's anticipated docking needs, which I estimate will be considerable. This is not to suggest

that the Beacon Companies should be responsible for building the docks, but rather that a long-range plan ought to be made to allow for reasonable accomodation of future docking demands. There is no harbor in the Country of Boston's size as ill-equipped as a harbor, and this situation must improve.

One approach to meeting the city's increasing demand for docking space has been proposed by the Boston Educational Marine Exchange in its study of the Boston Downtown Waterfront, 1981, and is depicted in the accompanying poster. (A report on the study can be obtained upon request.) You will note that access to our proposed multi-purpose breakwater pier lies between Harbor Towers and Rowes Wharf. It would seem to me, in looking at the Rowes Wharf plan, that this access could still be maintained with very little modification, even though the plan situates a boat terminal at the other end of the Rowes Wharf property. Since Rowes Wharf is the last developable piece of downtown waterfront property close to public (MBTA) transportation, every effort should be made to save access for the kind of harbor focus that this proposed pier or something like it could achieve. The Exchange is commencing to round up interested developers as well as public spirited harbor enthusiasts to back an action plan for further investigation of the pier breakwater concept. 3

I appreciate your attention to our concern.

Sincerely,

Carl Koch PW

Carl Koch
President

Enclosures

cc: The Beacon Companies

(2.1) COMMENT: Needed docking facilities.

RESPONSE: The proponent is aware of the importance of dockage facilities in a Harbor committed to integrating commercial and recreational water uses, and is committed to insuring that Rowes Wharf contributes to this need. Dockage facilities for commercial water transportation are being provided along with dockside terminal space for which expansion area has already been designated. In addition, a marina, containing approximately 50 slips with half the slips reserved for public/transient users, and a public dinghy dock are being supplied to enhance recreational boating in the Harbor.

(2.2) COMMENT: Docking area expansion.

RESPONSE: Should the need arise, the proponent will explore with appropriate federal, state, and City agencies, as well as interested groups, opportunities for expanding the ferry docking area at Rowes Wharf. As detailed in the response to Comment 12.8, the proponent and its consultants have met regularly with agencies, groups, and individuals involved or interested in the Harbor. Presently, expansion space is being considered between the Rowes Wharf ferry dock and the dock at 400 Atlantic Avenue, which would result in an additional 130 feet. Floating docks could also be utilized to accommodate special events. The coordination of the Rowes Wharf water transportation program with the long-range plans of the City and state for the Harbor will be actively continued throughout this project.

(2.3) COMMENT: Proposed breakwater pier.

RESPONSE: The proponent, during its previous meetings with the Boston Educational Marine Exchange, discussed the proposed breakwater pier and its relationship to the Rowes Wharf Development. If this proposal were implemented, access could be provided along the northern promenade.

the boston harbor associates
"for balanced harbor development"

RECEIVED
MAY 11 1984
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Secretary James Hoyte
Executive Office of Environmental Affairs
100 Cambridge St.
Boston, Ma. 02202

ATTN: MEPA UNIT Reference Rowes Wharf Development
EOEA # 4992

Dear Secretary Hoyte,

I write to provide comments regarding the Draft EIR covering the Rowes Wharf Project. The Boston Harbor Associates are vitally concerned about this project both for its physical and operational impacts on the Boston Waterfront and for the precedents it may set for use of harbor lands and waters. This project represents the first attempt to construct non-water-dependent uses on what is today open water. We view as most unfortunate the legislature's passage and the governors approving of a bill to guarantee licenses for this project prior to the issuance of said licenses or review by the Waterways Division of DEQE. 1

Recommendations

1. That the Secretary reject the Draft EIR as inadequate, for reasons listed below.
2. That the Secretary direct the scope of the EIR be redrawn to seek a level and range of information appropriate to both the Commonwealth's interest in this project and its most serious consequences for the waterfront.
3. That the Secretary delay consideration of a Waterways license for the project until new Chapter 91 regulations, now in preparation, can be promulgated. That in doing so the Secretary assure that the project undergo the fullest test of appropriateness and acceptability in the context of the public's interest in tidelands.

Comments on the DRAFT EIR

The project does not conform to the BRA/BSA Guidelines, as referneced in the existing EIR Scope in that: 2
- The project currently exceeds the maximum allowable height of 165' by some 17'
- Public Areas are not designed to maximize climatic benefits as the project design will substantially shadow public areas and will, without substantial,objectionable glazing, create inhospitable pedestrian conditions. 3
-Building massing along Atlantic Avenue well exceeds the height and massing of the Northland and U. S. Appraisers Stores structures next door. The Atlantic Avenue Building establishes a wall barrier to the harbor and is inadequately broken to provide the public with an effective sense of association between the Atlantic, High, and Broad Street scapes with the harbor. 4

In addition, the project as viewed from the water-level of the harbor exceeds the massing of the surrounding buildings and, especially form the more intimate perspective of the Northern Avenue Bridge and the Fan Pier Area, imposes great relative scale on the area.

Wind

The report of the wind evaluation is used to justify the glazing of the north and south public access corridors through the two towers thereby effectively redefing these spaces as private.
The DRAFT EIR is incomplete without the analysis of wind tunnel tests "still underway" and to be "included in the Final EIR". This information is necessary to evaluate the need for significant redesign. We would further request a report of the data generated by these tests so that it can be evaluated by other qualified persons. 5

Water-related Activities

One of the most serious flaws in the Report and in the project design itself is the stated expectation of the proponent that existing and planned water-borne activities need be relocated or impaired to satisfy project non-water dependent characteristics. From a water-transportation perspective the project is designed backwards in that it forces large vessel into highly congested pier berths and to the deepest location of the charted anchorage. Substantial pperational conflicts and potentially unsafe conditions would result. In this way the project which impairs the public's rights to navigation in tidelands by the construction of non-water-dependent uses over open water, further damages those rights well beyond the limits of the proposed structures. 6

Secondly, Beacon Companies has no experience in managing physical facilities for water related/dependent uses. Possibly the best example of the difficulties this can cause is the long term performance of the BRA in its management of LONG Wharf. 7

Finally, the Draft fails to identify the type(s) of service to be provided. 8

SHADOW

While not specifically required in the EIR Scope, Section K of the ENF commits the proponent to a study of the shadow impacts of the project. The EIR DRaft is incomplete withput such information. 9

NEW EIR SCOPE

It is clear form the draft EIR that this project requires a much more thorough scope of evaluation than the current requirment. As reccommended in the TBHA comments on the Scope an alternative between the no-build and the proposed project should be evaluated. The characteristics of this alternative should be that it be 20% less dense overall, reduce the construction of non-water-dependent structures over existing open water and therefore avoid the proposed encroachment, reduce the walling off of Atlantic Avenue from the harbor, and relocate the Ferry Pier to a location consistent with sound maritime operational practices.In 10

addition, the microclimate conditions which will result from both of the build alternatives, wind, shadow, etc, should be given much closer scrutiny. 11
A set of pedestrian level visual perspectives, taken from the Fan Pier seawall should be required. Finally, the scope should require a description of how the proponent plans to prevent the discharge of sewage to the harbor which originates from the project. Built in water restrictors and other potable water conservation techniques as well as on-site treatment should be evaluated. 12 13

While we recognize that this project is based on the work of a municipal agency, the BRA, we encourage the Secretary to recognize and be compelled by the much broader state interests in development of tidelands and waterfronts of the Commonwealth. This recognition warrants a rescoping of the EIR for Rowes Wharf.

Waterways License

Prior to the passage of the so called "Irrevocable" Grant of any existing and all future licenses for Rowes and Fosters Wharves in 1983, the Legislature amended the Chapter 91, Waterways Statutes. These amendments direct the promulgation of regulations whose central intent is to address precisely the type of project which is under consideration for Rowes Wharf. The litany of public interest considerations raised by the proposed project certifies the need for a full review of its merits within the confines of the new waterways regulations. Conversely, how a license could be issued without these regulations is to TBHA a serious contradiction of legislative intent. 14

We therefore submit that the proper course is to hasten the development of new regulations but delay licensing consideration until these rules are final.

We thank you for the opportunity to comment an remain, as always, available to assist in whatever way can advance the fortunes of Boston Harbor.

Sincerely,

Thomas Ennen

cc. TBHA Officers

(3.1) COMMENT: Precedent for use of Harbor lands and water.

RESPONSE: Under the Chapter 91 licensing process, DEQE will review all proposed developments in tidelands prior to licensing to ensure that they serve a proper public purpose and provide greater public benefits than detriments.

(3.2) COMMENT: Project height.

RESPONSE: As discussed in detail in the response to Comment 1.5 and in the Notification of Project Changes (Appendix 6), the project height was increased to accommodate a more efficient and effective structural system. This height increase does not affect the project floor area or the number of floors. The design modification has been approved by the BRA and BSA, and has been publicly reviewed following the distribution of the Notification of Project Changes. The Secretary of Environmental Affairs found that the addition of one foot per floor would not warrant rescoping.

(3.3) COMMENT: Climatic conditions of public areas.

RESPONSE: As described in Chapter IV: Shadow, a large portion of the project's public areas will receive full sunlight during the morning and early afternoon hours from spring through fall. Due to the replication of the east-west finger pier configuration of the Harbor, sections of the northern promenade and the north-central wharf will be shaded during most of the year except for the summer months.

Inhospitable pedestrian wind conditions are unlikely to occur in the majority of public areas except during extreme storms. The project is oriented to shield against cold northeast and northwest winds while opening up to shore summer breezes.

(3.4) COMMENT: Building massing and view of Harbor.

RESPONSE: As shown on page 12 of the Notification of Project Changes (Appendix 6), the Rowes Wharf project is taller than the adjacent 400 Atlantic Avenue Building, yet is less than half the height of Harbor Towers directly to its north. Existing buildings to the west are also substantially higher.

Cornice lines, setbacks, and other scaling devices are an integral part of the design and reflect the character of existing buildings along Atlantic Avenue while creating a transition in mass and form between the Harbor and the Financial District (see View A in Chapter IV: Visual Quality and Urban Design).

Concerns about the views of the Harbor through the Rowes project from surrounding streets led to design modifications, which are illustrated in Chapter IV: Visual Quality and Urban Design and discussed in Comment 1.6. As presented in Comment 1.6, the central arch has been enlarged to provide a more prominent view of the sea from Broad Street and Atlantic Avenue. In addition to this 72-foot wide gateway to the sea, there are also major corridors to the Harbor along the southern and northern promenades and through two protected passageways along Atlantic Avenue. Views of the Harbor through the site from Atlantic Avenue, Broad Street, and High Street are presented in Chapter IV: Visual Quality and Urban Design. Two views down the Broad Street corridor have been added to provide more information on the visual link to the Harbor, and all the views have been updated to show the enlarged central archway and accurate project height. Comment 1.6 and Chapter IV describe these views in greater detail.

(3.5) COMMENT: Wind analysis.

RESPONSE: A complete wind analysis, which includes the findings of extensive wind tunnel tests, is included in Chapter IV: Wind and Appendix 5 of the Final EIR. The use of glazing at the smaller passageways through the buildings along Atlantic Avenue was necessitated by anticipated wind conditions which would greatly exaggerate velocities and create a "squirting" effect. Glazing was undertaken to reduce anticipated wind velocities to levels acceptable for pedestrians. The major open passageways at the north, south, and central sections of the site are large enough to avoid these conditions.

(3.6) COMMENT: Location of waterborne activities.

RESPONSE: Waterborne activities have been located with attention to safe and efficient operations. The project's marine engineer established the ferry dock to provide safe, efficient operations in an area highly congested with recreational and commercial boats. In its letter on the Draft EIR (see Letter 22), the U.S. Coast Guard notes, "the development is desirable in that it provides improved waterfront pedestrian, small boat, and commuter ferry access which will be beneficial to the Harbor". Furthermore, the Boston Harbor Sailing Club (see Letter 4) stated that the "pattern of congestion and potential hazard as concerns the interaction of ferries and small boats currently maneuvering in the Rowes Wharf area will be improved significantly by the movement of the ferry landing farther southwest along the Wharf." The conditions for recreational craft will be further enhanced by the provision of a public dinghy dock, which has been relocated from the southern inlet to the inlet between the north and central piers for better protection from wave action, to avoid potential conflicts with ferries, and to provide more direct access to the Anchorage Areas.

In consultation with the U.S Coast Guard and the Harbormaster, plans are now progressing to reconfigure Anchorage Area B to avoid direct conflicts between ferryboats maneuvering to the docks and moored recreational boats. For further details, see Chapter IV: Water-Related Activities. As described in the Notification of Project Changes, in response to concerns about navigation, the site plan has been altered so that all project structures are now within non-navigable waters west of the State Harbor Line and U.S. Pierhead and Bulkhead Line of 1940.

(3.7) COMMENT: The Beacon Companies' water-related management experience.

RESPONSE: The Beacon Companies' management division will manage the entire mixed-use development, including the management functions associated with the ferry terminal and other water-dependent uses. In this broad role, Beacon will have qualified personnel on-site 24 hours a day and will provide daily oversight of the ferry terminal operations. Beacon draws on many years of management experience in residential and commercial

properties. In addition, they have taken a leading role in working with the City to maintain public open spaces. Their experience includes involvement at Pemberton Square, adjacent to Center Plaza near Government Center, and Angell Memorial Park, an urban park in downtown Boston.

As part of the overall management plan for the Rowes Wharf project, the proponent has identified the need for a maritime facilities manager who will oversee the operation of the ferry terminal, marina, and public dinghy dock. Rowes Wharf management will maintain the terminal building and dock area, which will include ensuring the facility is clean and in good repair, and providing security for the premises. Administrative functions necessary for the operation of the facility and all major repairs and capital improvements will also be the responsibility of Rowes Wharf management.

(3.8) COMMENT: Water-related services provided.

RESPONSE: The following services will be provided at Rowes Wharf:

- o Ferry terminal for commuter and excursion ferryboat operations.
- o A marina, containing approximately 50 slips for sailing and power boats, with half the slips available to the transient general boating public and half to be used by project residents.
- o A public dock accessible to transient boaters.

Water-related services are detailed further in Chapter IV: Water-Related Activities and in the responses to Comments 17.1 through 17.3.

(3.9) COMMENT: Shadows.

RESPONSE: An analysis of shadow impacts has been added to Chapters I and IV under the subheading of Shadow.

(3.10) COMMENT: Project alternative.

RESPONSE: The program and design guidelines were established by the BRA for the Rowes site based on a full analysis of what was required to afford public amenities and have an active mix of uses on site. As stated in the Certificate on the Draft Environmental Impact Report by the Secretary of Environmental Affairs (dated May 16, 1984), "the scoping decision not to require evaluation of a lower alternative still stands." In response to comments received on the Draft EIR, the proponent has revised the proposed build alternative. As noted in Chapter III: Description of Alternatives, the overall site plan for the proposed development has been adjusted so that no structures extend beyond the State Harbor Line and U.S. Pierhead and Bulkhead Line of 1940. In addition, the central arch has been expanded to provide a more extensive view of the sea from Broad Street while contributing to a more open presence along Atlantic Avenue.

As indicated in the response to Comment 3.6, the proposed location of the ferry pier is consistent with sound maritime operational practices.

(3.11) COMMENT: Microclimate conditions and other pedestrian-level views.

RESPONSE: Analyses of microclimate conditions (wind and shadow) as well as additional pedestrian-level views have been included in Chapter IV under the subheadings of Wind, Shadow, and Visual Quality and Urban Design.

(3.12) COMMENT: View from Fan Pier.

RESPONSE: View A, in Chapter IV: Visual Quality and Urban Design, is from the Fan Pier.

(3.13) COMMENT: Prevention of sewage discharge.

RESPONSE: All wastewater flow, which includes both sanitary/ domestic generation and minor amounts of runoff from within the parking garage, will be discharged to Boston Water and Sewer Commission (BWSC) sewers for ultimate treatment and disposal by the Metropolitan District Commission.

Two wastewater holding tanks, with a total 110,000 gallon 13-hour capacity, have been incorporated into the design. Discharge of wastewater from these tanks will be regulated by a tide clock, allowing effluent to reach BWSC sewers only during the two hours preceding and following low tide.

Water-conserving fixtures are incorporated into the design wherever appropriate to reduce total flows to the sewer system.

(3.14) COMMENT: Waterways license.

RESPONSE: The proponent has prepared an application to proceed through the Chapter 91 tidelands review and the required public hearing. Consultation with representatives of the Department of Environmental Quality and Engineering is ongoing in order to cover the full range of issues raised in the amendments to Chapter 91. The proponent has agreed to meet with the Boston Harbor Associates to discuss their concerns related to Chapter 704 of the Acts of 1983.

Boston Harbor Sailing Club, Inc.
72 East India Row
Boston, Mass. 02110

May 14, 1984

RECEIVED
MAY 15 1984
OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

Ms. Jackie Wilkins
Massachusetts Department of Environmental Management
Saltonstall Building
Boston, Mass.

Dear Ms. Wilkins,

This letter represents this company's current opinion on certain maritime features of the development proposed by the Beacon Companies for the Rowe's Wharf site in downtown Boston.

The Boston Harbor Sailing Club is a recreational sailing business operating a fleet of 70 sailing vessels and associated launches at Harbor Towers in Boston. As an organization we were largely responsible for the establishment of a federal anchorage immediately in front of the Harbor Towers complex and presently our fleet occupies roughly 85% of the space within that anchorage.

I have had the opportunity to review the environmental review prepared by Skidmore, Owings, and Merrill, particularly as it affects the anchorage and associated marine activity. It is my conclusion that the project as defined in the prepared review will have no detrimental impact on our company's vessels currently in the anchorage from the standpoint of vessel movements to their berths or to their mooring whatever may be the case.

Further, I am happy to say that a pattern of congestion and potential hazard as concerns the interaction of ferries and small boats currently maneuvering in the Rowe's Wharf area will be improved significantly by the movement of the ferry landing farther southward along the Wharf. Now these vessels literally maneuver in each other's shadows, a factor dictated by the confines of fitting two existing situations (the sailing club and the ferries) into a new regulatory framework (the anchorage). The proposed new development provides a good opportunity to merge the distant anchorage "B" with the existing anchorages "A" and "C" to form a unified small boat mooring area.

At the same time it presents the ferry operators with the opportunity to have an area all to themselves free of concerns of small boats maneuvering for the same share of the harbor's water. The south ferry slips are an excellent solution.

One other concern I might express is the potential impact of large scale buildings on wind patterns in the mooring area. The review documents indicated that wind effect testing had not been completed at the time of document preparation so there is no data to examine. However, my estimate based on years of practical sailing experience suggests that large impediments such as buildings tend to block and channel the wind, causing flat spots (no wind) aka "holes", in some places and accelerated wind conditions in others. 1

The practical effect of these enhanced wind effects is to generate confused ground wind conditions, sudden sheers, etc, all of which have a frustrating impact on sailors who must sail to their moorings (as most of ours do, lacking power) With these confused wind conditions there is the potential for damage to vessels as courses are altered radically to accomodate shifting wind conditions. Our final opinion on this matter will have to await the wind study results. Whatever the results I tend to think the impediment of some wind interruption is largely overridden by the improvements to the site proposed as well as by the relocation of the ferry area well to the south.

Sincerely yours,

Mark Healy, President
Boston Harbor Sailing Club, Inc.

LETTER 4

Boston Harbor Sailing Club, Inc.
May 14, 1984

(4.1) COMMENT — Wind impacts on mooring area.

RESPONSE: As reviewed by Dr. Robert J. Hansen of Hansen, Holley and Biggs Inc., the introduction of the Rowes Wharf Development should have a very limited effect on the wind environment as it would affect sailing and mooring in Anchorage Areas A, B, and C as shown in Figure IV-50 of the EIR. Based on the examination of the erosion patterns of particles in the wind tunnel report prepared by MIT, the basic cause for shifts in wind direction and magnitude appears to be the presence of the Harbor Towers and not the addition of the Rowes Wharf project. The Final EIR, Chapter IV: Wind, as well as Appendix 5, provides detailed information on the wind tunnel results.

RECEIVED

MAY 9 1984

OFFICE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

The Boston Preservation Alliance

P.O. Box 1165. Boston. Massachusetts 02103

May 9, 1984

BY HAND

Secretary James S. Hoyt
Executive Office of Environmental
Affairs (EOEA)
Leverett Saltonstall Building
20th Floor
100 Cambridge Street
Boston, Massachusetts 02202

Attention: MEPA Unit, Jackie Wilkins

Re: Rowes Wharf Development
Environmental Impact Report
EOEA No. 4992

Gentlemen:

Pursuant to M.G.L. c.30, §62C and 301 C.M.R. 10.06(3), the Boston Preservation Alliance, Inc. (the "Alliance") submits the following comments in connection with the Rowes Wharf Development draft Environmental Impact Report (the "EIR").

I. Compliance with Massachusetts Environmental Protection Act ("MEPA").

The draft EIR as submitted fails substantially to comply with the statutory requirements of M.G.L. c.30 and the regulations promulgated thereunder. The Alliance respectfully requests that you require a revision of the EIR and that the statutory comment period be kept open until the revision is completed. 1

First, the EIR is inadequate because it does not include considerations of any reasonable alternative, such as the "low rise" configuration suggested in the December 13, 1983, letter from Rupert A. Davis, Executive Director of the Alliance, to your office. (See letter in Appendix I of the EIR.) A similar request was made by Thomas Ennen, Executive Director of the Boston Harbor Associates, in a letter to your office. (See copy of letter in Appendix I of the EIR.) By limiting the alternatives to only a "no-build" alternative and the project as approved by the Boston

Redevelopment Authority (the "BRA"), the EIR fails to adhere to the statutory requirements of M.G.L. c.30, §62B that an EIR shall contain, inter alia, statements describing "reasonable alternatives to the proposed project and their environmental consequences." See, also, 310 C.M.R. §10.05(7)(e).

At a meeting held on May 1, 1984, for the purpose of soliciting comments on the EIR, the proponent suggested that the alternatives referenced above were not considered because they were not economically feasible and because the proposed project satisfied all the requirements of the BRA. The Alliance respectfully submits that neither of these criteria can be used as a justification for the failure to objectively consider alternatives. Approval by the BRA is not tantamount to compliance with the MEPA requirements. Furthermore, the proponent is obligated to consider even those alternatives which were not discussed, because of their "presumed inferiority." See, 301 C.M.R. §10.05(e) (Part V). Thus, alternatives which are not "economically feasible" must be considered.

The proponent's contention that, by satisfying the BRA guidelines, the project is therefore in compliance with M.G.L. c.30 is contrary to the basic purpose of preparing an EIR, for it would eliminate the necessity for independent, impartial review of environmental impacts. The purpose of an EIR, as the regulations provide, is to serve as "a planning tool to enable environmental damages to be fully disclosed and considered by public agencies and project proponents before they make their decisions." (301 C.M.R. §10.01(3).) This section further states that "an EIR should not be used to justify or support a decision which has already been made."

The circumstances in this case would seem to indicate that a decision has indeed already been made and cast in a final form as indicated in the EIR. It would appear that the BRA and the proponent are attempting to use the MEPA process in a manner which the regulations have expressly sought to avoid.

In light of the above, the Alliance formally requests that you require a revision of the draft EIR which will fairly and objectively consider reasonable alternatives to the proposed project, including the low-build and low-density options suggested during the scoping sessions.

II. Other State and Federal Actions.

The EIR lists on page 15 a number of Federal and State agencies from which permits and approval must be obtained before the project proceeds. The Alliance assumes that, before the U.S. Army Corps of Engineers may grant any permits, an Environmental Impact Statement ("EIS") will be prepared under the National Environmental Protection Act of 1969 ("NEPA"). There are a number of areas where Federal and State interests in environmental affairs inter-relate, and these issues must be addressed and examined. Under M.G.L. c.30, §62G and 301 C.M.R. 10.12(1), a provision is made for coordination between Federal and State agencies regarding preparation of environmental reports. The present EIR may not satisfy in full the requirements of NEPA, since it does not address the issues raised by various Federal agencies such as the U.S. Army Corps of Engineers. Furthermore, there may be additional requirements under both MEPA and NEPA with respect to the granting of licenses for tidelines development pursuant to the recently enacted law, c.704 of the Acts of 1983. Therefore, the Alliance requests that, at the appropriate time, all requirements under NEPA be complied with before any permits are issued. 2

III. Areas of Concern with the EIR.

A. Wind.

The draft EIR is incomplete in that it fails to include a thorough analysis of wind conditions at the proposed development site. The EIR indicates on Page 4 that wind studies are presently being carried out at MIT and that "the results will be included in the final EIR."

The EIR makes use of Logan Airport's wind velocity and direction data. This data, however, may not be adequate because of the Harbor location of the site and its proximity to large office towers. There may be micro-climatic conditions that have a major effect on wind direction and strength which were not examined sufficiently. Wind tunnel tests should be conducted that show results taking into account wind conditions as they may be expected on the site from various directions and strengths, and the tests should 3

take into account the structures in the immediate area, both existing and proposed. Special attention should be given to the pedestrian tunnels that penetrate the building. 4

Given the importance of the wind studies to a complete analysis of the micro-climate at the proposed development site, the Alliance requests that you include the results of wind studies in the revised draft and that you postpone the comment period until these studies are available for public review. The Alliance would like the opportunity to assess the negative impacts, if any, which might result from the development of the project and to propose measures for the developer to undertake which might mitigate those effects. For example, tests being done could demonstrate that wind velocities in the primary pedestrian access to the project -- the arched tunnel -- are of such magnitude and force that the tunnel should be redesigned or eliminated. Only with the complete disclosure of the full effects of the wind tests can the public adequately comment on the project.

The wind studies become all the more important in light of the fact that the developer has agreed to dedicate two-thirds of the site for public open space purposes. Failure to determine a negative environmental impact during the design phase of this project could result in the creation of a hostile pedestrian environment, a distinct possibility in light of Boston's long winters and high average wind velocities. The waterfront pedestrian side of this project will be exposed to these winds and there has been insufficient analysis of the impact of such winds on the project.

B. Shadows.

The EIR does not include any shadow studies or make any mention of the effect of shadows on the area. The proponent has stated in the environmental notification form that "impacts of wind and shadow on adjacent areas, unknown at present, will be studied prior to design completion." The Alliance therefore respectfully requests that a

full shadow study, which includes the geographic location of shadows at the various times of the day and in all seasons, be undertaken. 5

If the scope for the project was deficient in not requesting shadow studies, the Alliance requests that the project be rescoped and that the developer be requested to prepare such shadow studies. (See 301 C.M.R. §10.16(1).)

C. Traffic and Parking.

The EIR raises a number of concerns about the traffic and parking situation in the project area. There will be fewer parking spaces available upon the completion of the project, not only because of the development of this project, but because of other projects in neighboring areas. Across the Surface Artery there will be a project of over one million square feet of new office development and directly across Fort Point Channel there will be another large mixed use development, both of which development sites now provide extensive parking for off-site commuters. These new developments will add thousands of vehicles a day to the area. The EIR states that, in being conservative, it did not assume a reduction in traffic in the area and, to the contrary, this vast increase in traffic should be taken into account and included in the EIR. 6

D. Visual Quality and Urban Design.

1. In General.

The Alliance has reviewed carefully the development guidelines for the project and has identified a number of areas where the project has diverged from these guidelines to a significant degree. In general, the proposed development appears to meet many of the development guidelines. However, the discrepancies are significant.

2. Height.

The EIR reviews a project with a maximum height of 165 feet as required by the original BRA guidelines. Recently the BRA

approved a 17-foot height increase, for a maximum of 182 feet. This substantial increase has not been taken into account in addressing the environmental impacts of the projects in the EIR. There are no renderings in the EIR showing increased height, which makes public comments on the visual impacts of the project impossible at this time. 7

The project proponent has an obligation to inform your office of any project changes and, upon such notification you "shall decide whether the changes significantly increase the environmental consequences of the project and warrant resubmission of an Environmental Notification Form, rescoping, supplementary documentation or a new EIR." (See 301 C.M.R. §10.16(1).) An increase in size is one of the factors to be considered in determining "whether changes in a project might significantly increase environmental consequences." (See 301 C.M.R. §10.16(2)(a).) The Alliance respectfully submits that the 17-foot increase (10% increase in height) is "a significant increase" and warrants either a rescoping, supplemental documentation or a new EIR. The approval of the BRA in this instance is not sufficient to satisfy the requirement of M.G.L. c.30 and the regulations under C.M.R.

3. Massing.

The development is supposed to continue the concept of a "visual and physical connection to the sea." The building, with its huge massing, does not present a "visual" link, but appears instead as an impenetrable barrier to the pedestrian. The 50-foot wide opening aligning with and providing a view of the Harbor from Broad Street as called for in the BRA/BSA guidelines, does not allow proper vistas for the pedestrian standing on Broad Street. The arch does not align with Broad Street and does not afford a view to the Harbor as the guidelines call for. The building, therefore, walls off the city from Boston's rich and exciting Harbor life. 8

Furthermore, the EIR appears to have transformed the concept of a "walk-to-the-sea" to a "walk-by-the-sea" and in the process has deprived the public of that relationship with the waterfront. These deficiencies in the EIR are substantial and the relationship between the project and the Harbor life should be carefully re-examined in the final EIR.

The Alliance is extremely concerned in safeguarding the public's access to the Harbor. Accordingly, the Alliance requests that the proponent and the final EIR consider various legal devices such as right-of-way easements and other restrictions which will insure continued access by the public to the waterfront in perpetuity. 9

4. Texture.

The EIR fails to provide sufficient information on the texture and material of the facades of the proposed development. Furthermore, the EIR fails to provide detailed drawings, facade renderings and sections of massing. These omissions preclude the public from being able to comment on the project's impact on the streetscape and sidewalk and how the project handles sidewalk setbacks. The Alliance requests that this information be examined in the final EIR. 10

5. Historic Context.

The EIR is insufficient in its analysis of the impact of the proposed project on nearby historic resources. The surrounding neighborhood includes a number of existing and proposed National Register Districts and properties such as the Custom House District, the Russia Wharf Buildings, Long Wharf, Broad Street District and the Fort Point Channel District. The proposed project may generate increased upward financial pressures to assemble large parcels for development which 11

may seriously and adversely impact these districts. Similarly increased pedestrian and vehicular traffic may impact these districts. The Alliance requests that the final EIR carefully consider the impact of the project on these neighboring historic districts and sites.

IV. Conclusion.

In light of the many inadequacies with the draft EIR, the Alliance formally requests that you exercise your authority and request the developer to either substantially revise the EIR or provide supplemental documentation that addresses the issues outlined in this letter. It is critical that the proponent consider a modified version of the project as a low-build alternative in conformance with the suggestions set forth herein. The Alliance further requests that the official comment period for the draft EIR pursuant to CMR 301 §10.06(3) be postponed until you have received the requested material.

Respectfully submitted,

Very truly yours,

THE BOSTON PRESERVATION
ALLIANCE, INC.

By: Susan Park
Susan Park, Chairperson

LETTER 5

The Boston Preservation Alliance
May 9, 1984

(5.1) COMMENT: Compliance with MGL c.30.

RESPONSE: The Rowes Wharf EIR fully complies with the statutory requirements of the Massachusetts Environmental Protection Act (MEPA). The No-Build and proposed Rowes Wharf Development alternatives were examined in the report as required by the Secretary of Environmental Affairs in the "Scope of Work" (dated December 23, 1983 and included as Appendix 1). As reiterated in the Secretary's Certificate on the Draft EIR, the "scoping decision not to require evaluation of a lower alternative still stands" (see Letter 1).

(5.2) COMMENT: Environmental Impact Statement (EIS).

RESPONSE: An application for a Department of the Army Permit for dredging, filling, and disposal activities during construction is being filed. The Army will evaluate the application once the Secretary of Environmental Affairs has issued a Certificate for the Final EIR.

(5.3) COMMENT: Wind analysis and use of Logan Airport data.

RESPONSE: A complete wind analysis is included in Chapter IV: Wind, supplemented by Appendix 5 of the Final EIR. Logan Airport wind velocity and direction data is used to estimate wind effects at the site because it is the principal reliable wind data base for the Boston environment available to the public. The wind tunnel study includes a model of the City to replicate shadowing, channeling, diverting, and other effects of the wind. Therefore, the measurements made in the wind tunnel are reasonable predictions of the conditions that will develop at Rowes Wharf after the project is constructed.

(5.4) COMMENT: Wind impacts on pedestrians.

RESPONSE: As discussed in Chapter IV: Wind, the wind tunnel studies indicate that wind conditions on the walkways will meet the BRA Guidelines and Melbourne criteria for pedestrian comfort.

(5.5) COMMENT: Shadow study.

RESPONSE: A complete analysis of shadow impacts has been added to Chapters I and IV under the subheading of Shadow. The geographic location of shadows at various times of the day during the summer/winter solstices and the spring/fall equinoxes is indicated.

(5.6) COMMENT: Future increase in area traffic.

RESPONSE: As discussed in Chapter II: Area Description, a number of major development projects are planned in the Fort Point Channel area. The background assumptions for the traffic analysis were developed in consultation with the MEPA Unit and include the full development of Piers 1, 2, and 3; Boscom; Building 114 at the Boston Army Base; and several other smaller projects. As the EIR for International Place has not yet been filed with MEPA, project completion was not assumed. Chapter IV: Traffic and Parking also references a number of projects in the planning stages that could be under construction at the time Rowes Wharf is built. These include the replacement of parking garages at Fort Hill and Post Office Square.

The Rowes Wharf traffic analysis did not account for the reduction in available parking supply in the Financial District in order to provide a conservative analysis. Furthermore, the potential reduction in traffic volumes on area streets due to the diminished parking supply has not been assumed in this analysis. Consequently, the volumes assumed in this EIR are conservative as they do include the impacts of background traffic growth while not accounting for volume reductions arising from a reduced parking supply.

(5.7) COMMENT: Increased project height.

RESPONSE: A Notification of Project Changes, which included project height, was submitted to the Secretary of Environmental Affairs on June 7, 1984 (see Appendix 6). This Notification explains that project height was increased to accommodate a more efficient, effective structural system and does not alter project square footage or the number of floors. The Secretary subsequently determined that the project changes do not "warrant the need

for supplemental documentation prior to the submission of the Final EIR." See the following subsection of this Chapter for comments regarding the Notification.

Chapter IV: Visual Quality and Urban Design of the Final EIR addresses the impacts of the added height and includes renderings depicting the change. The height change does not alter the original impact assessment presented in the Draft EIR.

(5.8) COMMENT: Connection to the sea and Broad Street view.

RESPONSE: In response to concerns about pedestrian views from Broad Street, the central arch has been widened to 72 feet to allow a more expansive view of the sea. This and other potential modifications were reviewed with representatives of The Boston Preservation Alliance and Boston Landmarks Commission on July 3, 1984. As a consequence of this meeting, this solution was adopted to provide an expanded water view from Broad Street without cutting off other important views from the Atlantic Avenue and High Street approaches. As discussed in the response to Comment 1.6 and illustrated through a series of views in Chapter IV: Visual Quality and Urban Design, there is a gradually increasing view of the Harbor through the project's central archway as one moves down Broad Street. This expanding vista will draw people to Rowes Wharf and the sea. In addition to the archway's visual and pedestrian link to the Harbor, there are also major corridors to the waterfront along the southern and northern promenades and through two protected passageways.

(5.9) COMMENT: Public access to Harbor.

RESPONSE: The Rowes Wharf project will assure public access to the Harbor. The project is controlled through BRA land disposition and requirements for public access will be stated in the BRA's disposition documents. Requirements for public access are set forth in the finding of public purpose in Chapter 704 of the Acts of 1983 and cannot be withdrawn without jeopardizing the rights conferred therein.

(5.10) COMMENT: Facade texture.

RESPONSE: Facade materials are predominantly brick and glass with masonry highlighting. The facade texture and renderings were reviewed with representatives of the Boston Preservation Alliance and Boston Landmarks Commission on July 3, 1984. The proponent is committed to continuing these meetings in order to have the benefits of the Alliance's suggestions.

(5.11) COMMENT: Historic resources impact.

RESPONSE: The Massachusetts Historical Commission concurs with the proponent that the surrounding historic properties are beyond any potential area of impact (see Appendix 4). The redevelopment of Rowes Wharf will benefit the neighboring areas by transforming an underutilized, deteriorating waterfront area into an attractive mixed-use development sensitive to the visual qualities of surrounding environs.

Chapter IV: Traffic and Parking examines three intersections in close proximity to the site. As the majority of site traffic is expected to be oriented to the area's highway system, there will not be significant volume increases on Broad Street or in the Custom House District. Pedestrian activity is expected to be oriented to a number of directions, reflecting the site's accessibility to shopping areas (Downtown Crossing and Quincy Market), parking locations, and transit opportunities. Because of the many attractions and available pedestrian routes, increases on any one particular street are not expected to be great.

Boston Redevelopment Authority

S.O.M.

MAY 1 1 1984

RECEIVED

Robert J. Ryan/Director

May 9, 1984

Secretary James S. Hoyte
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Attention: MEPA Unit

Re: EOEA #4992 - Rowes Wharf Development

Dear Secretary Hoyte:

In response to review of the above-referenced Draft Environmental Impact Report, the Boston Redevelopment Authority is pleased to submit the following.

The Rowes Wharf development has undergone considerable design and planning review by both the Boston Redevelopment Authority and the Boston Society of Architects. The result is a project which we feel is a significant asset to the downtown waterfront area. In particular, the large amount of open space provided by the developer, the extensive public access to the waterfront, and the other public use elements, such as the commuter boat terminal, are welcome contributions to restoring the harbor's edge to the use and enjoyment of the people of Boston.

We feel that the Draft Environmental Impact Report submitted for the Rowes Wharf development project adequately describes the environmental impacts of this proposal. However, we do note some minor matters which we feel should be brought to your attention.

The Authority has approved the initial schematic design for the project, including a minor increase in the overall height of the building of approximately seventeen feet, with no additional floor area being created. It became clear through the design review process that substantial benefits to the project and the Authority could be derived from constructing the sixteen story building using a steel structural system rather than a concrete system. The benefits include a better system for distribution of mechanical and electrical systems, which provides better marketability of office and residential spaces, and the shortening of the construction period by three to six months. The shorter construction period provides for an earlier realization of new permament jobs and full tax payment to the City.

1 City Hall Square
Boston, Massachusetts 02201
(617) 722-4300

After receiving favorable support of the Committee for the Boston Society of Architects, the ferry terminal pavilion is designed as the project's identifying landmark highly visible from the land and sea. The developer has agreed that it will be permanently maintained. We consider this an important element of the public access and water-related uses. It is also important to note that the developer has agreed that the present excursion boats and water-related activites will continue during the construction and will be shifted on the site so as not to be adversely interrupted during the construction activities. Such water-related transportation uses are assured and will continue in the completed development.

1 The preliminary wind studies have indicated potential problems from northerly winds along the walk-by-the-sea area. The project proponent, in the Final Environmental Impact Report, should discuss mitigation measures which would be feasible to minimize this adverse impact. Further the wind discussion would have been much more useful had the final wind study been available for public comment at the same time as the Draft Environmental Impact Report.

2 We further recommend that shadow diagrams of the project also be included in the Final Environmental Impact Report. The Environmental Notification Form did indicate that shadows would be studied, but they were absent from the Draft.

Finally, we are pleased with the perspectives on the visual quality section and feel that they give a good indication of the visual impacts of the proposed project.

Sincerely,
BOSTON REDEVELOPMENT AUTHORITY

Robert J. Ryan
Director

XC: Edwin N. Sidman, President, The Beacon Companies
Karen B. Alschuler, Skidmore, Owings & Merrill

LETTER 6

Boston Redevelopment Authority
May 9, 1984

(6.1) COMMENT: Wind mitigation measures.

RESPONSE: A complete wind analysis is presented in Chapter IV: Wind, and supplemented by technical data in Appendix 5. The detailed wind tunnel study performed at the Wright Brothers Wind Tunnel at MIT indicates that at all locations monitored within and immediately adjacent to the Rowes Wharf site, the anticipated ground-wind environment is well within the guideline velocities currently used by the BRA. A full description of wind effects on the the walk-by-the-sea areas and mitigation actions is included in Chapter IV.

(6.2) COMMENT: Shadow analysis.

RESPONSE: A shadow analysis is now included in Chapters I and IV under the subheading of Shadow.

Boston Water and Sewer Commission

10 Post Office Square
Boston, Massachusetts 02109
617-426-6046

April 20, 1984

RECEIVE

APR 24 1984

OFFICE OF THE SECRETARY
ENVIRONMENTAL AFFAIRS

Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Attention: MEPA - EOEA No. 4992

Dear Sir:

We have reviewed the "Draft Environmental Impact Report" for Rowes Wharf Development and have the following comments to make: 1

1. The Boston Water and Sewer Commission is presently designing and constructing the replacement of the Main Interceptor Sewers in downtown Boston. The New East Side Interceptor-North Branch is proposed to be built under the easterly sidewalk of Atlantic Avenue in front of Rowes and Foster's Wharves. It is not possible to move this sewer in a westerly direction due to interference with the existing East Side Interceptor-North Branch which must remain in operation until the new Interceptor is complete and ready to accept flow.

2. A storm drain is also located under the same sidewalk and will be included in the same trench to the interceptor with its outfall in Fort Point Channel. The route of the outfall is alongside the Bain Building.

3. Until construction of the New East Side Interceptor has been completed, a sewage holding tank will be required to regulate the timing of sewage release to the existing interceptor which has insufficient capacity. The tank must be sized and designed according to the requirements of the Boston Water and Sewer Commission.

4. Record information indicates an old combined sewer overflow pipe belonging to Boston Water and Sewer Commission located in the center portion of the Rowes and Foster Wharves and must be protected and/or easement retained.

My staff and I will meet with the developer at any time to discuss the above matters.

Very truly yours,

Charles Button

Charles Button, P.E.
Chief Engineer

CB/HJP/mhw

LETTER 7

Boston Water and Sewer Commission
April 20, 1984

(7.1) COMMENT: Re: Coordination with Commission.

RESPONSE: The proponent has been meeting with the Boston Water and Sewer Commission (BWSC) on an ongoing basis to discuss the proposed location of the East Side Interceptor, disposition of the BWSC's rights relative to the existing (abandoned) combined sewer overflow, and coordination of construction schedules.

CHARLES F. CHOATE, JR.
1899-1927
JOHN L. HALL
1899-1960
RALPH A. STEWART
1904-1926

CHOATE, HALL & STEWART
60 STATE STREET
BOSTON, MASSACHUSETTS 02109
TELEPHONE (617) 227-5020
TELECOPIER (617) 227-7566
TELEX 94-0216

May 16, 1984

Samuel G. Mygatt
Executive Director
Massachusetts Environmental Protection Agency
100 Cambridge Street
Boston, Massachusetts 02202

RECEIVED
MAY 16 1984
OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

Re: Rowes Wharf Development

Dear Sam:

We have been asked by the Beacon Companies to look into the status of the state harbor line in the vicinity of their development at Rowes Wharf. In brief, it is our opinion that the state harbor line in the immediate vicinity of Rowes Wharf is coincident with the U. S. Pierhead and Bulkhead Line established by the Secretary of War in 1940. As you may know, the Acts of 1880, Chapter 170 established a comprehensive state harbor line for Boston Harbor, including the area near Rowes and Foster's Wharves. Thereafter the harbor line was amended by the Legislature at various locations. (Attached hereto as Exhibit A you will find a listing of many of the legislative acts prior to 1939 changing the state harbor line in various locations in Boston Harbor, but not affecting Rowes and Foster's Wharves.)

Acts of 1939, Chapter 402, a copy of which I enclose, changed the state harbor line in the location specified therein, and by Section 2 thereof "abolished" the superseded harbor lines established by Chapter 170 of the Acts of 1880. Attached hereto as Exhibit B you will find a copy of a letter from Cullinan Engineering Company, Inc. dated May 8, 1984 showing that Cullinan has reviewed the amendments set out in Exhibit A hereto and stating in relevant part as follows:

> "2. Acts 1939, Chapter 402 changes the STATE HARBOR LINE of 1880 (Chapter 170) to the same location as the U. S. Pierhead and Bulkhead Line established by the Secretary of War January 20, 1940, and abolishes the 1880 Line from 'point K to point U'. Point 'K' is near the northeasterly corner of the Northern Avenue Bridge and the point 'U' is near the most northerly side of Commercial Street".

We have reviewed the Acts of the Legislature since 1939 and find no relevant change in the state harbor line to date. (Acts of 1972, Chapter 311, copy attached, did alter the state harbor line north of India Wharf and restored its location to the 1880 harbor line, but this project is located south of India Wharf.)

Moreover, in Acts of 1983, Chapter 704, Section 1, subsection (a), in defining the site, the legislature specifically referred to "United States Pierhead and Bulkhead Line" as the boundaries of the site. Thus, in the vicinity of the Rowes and Foster's Wharf project, the state harbor line established by Acts of 1939, Chapter 402 is the established harbor line. I enclose as attachment C a listing of the state harbor line amendments since 1939 to date which we believe do not pertain to this location; this point will be confirmed shortly by Cullinan Engineering.

Legislative recognition of the joint 1939 state harbor line - U. S. Pierhead and Bulkhead Line is apparent in Acts of 1964, Chapter 663 (copy attached) which places the area landward of said line within the area eligible to be covered by a B.R.A. urban renewal plan and authorizes the transfer of these tidelands to the B.R.A. The entire area to the landward side of the U. S. Pier and Bulkhead Line was exempted from a Federal navigational servitude by Public Laws 90-312; 82 Stat. 125 in 1968 (copy attached). This area, the so-called "magenta zone", is clearly part of an urban renewal area rather than a functioning part of any port area. (See enclosed NOAA Chart 13272 "Boston Inner Harbor" for location of the "Magenta Zone"). Thus, the D.E.Q.E. Regulations at 310 C.M.R. 9.98 do not include this urban renewal area within the "designated port areas" specified therein. On a local level, the Boston Zoning Code, Map Amendment No. 172, effective December 13, 1983, created an urban renewal district in the area of Rowes and Foster's Wharves which is bounded on the seaward side by the U. S. Pierhead and Bulkhead Line. (copy attached).

In summary, we see no legal basis for any contention that the state harbor line in the vicinity of Rowes and Foster's Wharves is not currently the line as established by Acts of 1939, Chapter 402, namely the U. S. Pierhead and Bulkhead Line of 1940.

1

Very truly yours,

Donald L. Connors

Donald L. Connors (EWW)

DLC/EWW/bt
Enclosures
cc: Edwin Sidman, Esquire
Carol Gladstone
Myrna Putziger, Attorney

EXHIBIT A

Acts 1882, Chapter 48

Special Acts 1915, Chapter 334

Acts 1921, Chapter 111

Acts 1922, Chapter 30

Acts 1939, Chapter 411

Acts 1939, Chapter 403

at his option proceed either at law against that person to recover damages or against the insurer for compensation under this chapter, but, except as hereinafter provided, not against both. If compensation be paid under this chapter, the insurer may enforce, in the name of the employee or in its own name and for its own benefit, the liability of such other person, and if, in any case where the employee has claimed or received compensation within six months of the injury, the insurer does not proceed to enforce such liability within a period of nine months after said injury, the employee may so proceed. In either event the sum recovered shall be for the benefit of the insurer unless such sum is greater than that paid by it to the employee, in which case four fifths of the excess shall be paid to or retained by the employee. Except in the case of a settlement by agreement by the parties to, and during a trial of, such an action of law, no settlement by agreement shall be made with such other person without the approval of the industrial accident board after an opportunity has been afforded both the insurer and the employee to be heard on the merits of the settlement and on the amount, if any, to which the insurer is entitled out of such settlement by way of reimbursement, which amount shall be determined by said board at the time of such approval. In the case of a settlement by agreement by the parties to, and during a trial of, such an action at law the justice presiding at the trial shall have and exercise, relative to the approval of such settlement by agreement and to the protection of the rights and interests of the employee, all the powers hereinbefore granted to the industrial accident board. An employee shall not be held to have exercised his option under this section to proceed at law if, at any time prior to trial of an action at law brought by him against such other person, he shall after notice to the insurer discontinue such action, provided that upon payment of compensation following such discontinuance the insurer shall not have lost its right to enforce the liability of such other person as hereinbefore provided.

Approved August 2, 1939.

Chap. 402 AN ACT RELOCATING CERTAIN HARBOR LINES ALONG THE COMMERCIAL STREET AND ATLANTIC AVENUE WATERFRONT OF BOSTON HARBOR IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The harbor lines along the Commercial street and Atlantic avenue waterfront of the city of Boston in Boston harbor are hereby changed and established as follows: —

The location of each of the angle points in the lines hereinafter described is fixed by a distance, hereinafter called longitude, in feet, from a meridian passing through the center of the apex of the dome of the State House in Boston, and by a distance, hereinafter called latitude, in feet, from a line at right angles to said meridian and passing through the center of said apex of the State House dome, and the bearings refer to the true meridian passing through the center of said apex. Beginning at point K in latitude one thousand one hundred four and four tenths feet south and longitude three thousand six hundred forty-two and seven tenths feet east, being a point in the harbor line established by chapter one hundred and seventy of the acts of eighteen hundred and eighty; thence north twenty-nine degrees thirteen minutes twenty-six seconds east one thousand six hundred ninety-eight and six tenths feet to point L′ in latitude three hundred seventy-eight feet north and longitude four thousand four hundred seventy-two feet east, thence north one degree thirty-seven minutes forty-one seconds west one thousand five hundred forty-eight and six tenths feet to point M′ in latitude one thousand nine hundred twenty-six feet north and longitude four thousand four hundred twenty-eight feet east, thence north twenty degrees forty-nine minutes two seconds west two thousand one hundred thirty and one tenth feet to point N′ in latitude three thousand nine hundred seventeen feet north and longitude three thousand six hundred seventy-one feet east, thence north fifty-nine degrees thirty-four minutes thirty-five seconds west six hundred ninety-one and two tenths feet to point O′ in latitude four thousand two hundred sixty-seven feet north and longitude three thousand seventy-five feet east, thence south seventy-five degrees eighteen minutes twenty-seven seconds west seven hundred thirty-six and nine tenths feet to point U in latitude four thousand eighty and one tenth feet north and longitude two thousand three hundred sixty-two and two tenths feet east, being point U in the harbor line established by said chapter one hundred and seventy.

SECTION 2. Those portions of said harbor lines from point K to point U, established by section two of chapter one hundred and seventy of the acts of eighteen hundred and eighty, are hereby abolished.

SECTION 3. This act shall take effect upon its passage.

Approved August 3, 1939.

AN ACT RELOCATING CERTAIN HARBOR LINES ALONG THE SOUTH BOSTON WATERFRONT OF BOSTON HARBOR IN THE CITY OF BOSTON. *Chap. 403*

Be it enacted, etc., as follows:

SECTION 1. The harbor lines along the South Boston waterfront, between Fort Point channel and the Reserved channel in Boston harbor in the city of Boston are hereby changed and established as follows: —

The location of each of the angle points in the lines hereinafter described is fixed by a distance, hereinafter called longitude, in feet, from a meridian passing through the center of the apex of the dome of the State House in Boston, and

Exhibit B

CULLINAN ENGINEERING CO., INC.

200 AUBURN STREET, P.O. BOX 191/AUBURN, MASSACHUSETTS 01501/617-832-5811
108 LINCOLN STREET, SUITE 400, BOSTON, MASSACHUSETTS 02111/617-423-0817
CIVIL ENGINEERS — LAND SURVEYORS

May 8, 1984
CE# 3373

Choate, Hall & Stewart
Sixty State Street
Boston, MA 02109

Attention: Eric W. Wodlinger, Esquire

Subject: Rowes Wharf
Amendments to Statutes 1880
Chapter 170
An Act Establishing Boston Harbor Lines

Dear Mr. Wodlinger:

In regard to the above project, we have examined the amendments to Statutes 1880, Chapter 170 furnished with your letter dated May 5, 1984 and find the following:

1. All amendments except for Acts 1939, Chapter 402 are not in the vicinity of locus.

2. Acts 1939, Chapter 402 changes the STATE HARBOR LINE of 1880 (Chapter 170) to the same location as the U.S. Pierhead and Bulkhead Line established by the Secretary of War January 20, 1940, and abolishes the 1880 Line from "point K to point U". Point "K" is near the northeasterly corner of the Northern Avenue Bridge and point "U" is near the most northerly side of Commercial Street.

In regard to the U.S. Pierhead and Bulkhead Lines, we are advised by the Corps of Engineers, that the Clean Water Act of 1977 is now the regulatory act which through Section 404 regulates the discharge of dredged or fill material in the waters of the United States.

Final regulations were published in the Federal Register of July 19, 1977 and include the entire regulatory program of the Corps of Engineers. Some of these regulations have since been amended.

May 8, 1984
CE# 3373
Page Two

Enclosed find a summary of "Section 404" permit program, U.S. Army, Corps of Engineers.

Very truly yours,

Richard D. Raskind

Richard D. Raskind
Chief Surveyor

cc: W. Gary Atkinson - The Beacon Companies
Myrna Putziger - McCormack & Zimble

motor vehicle laws, including payments pursuant to chapter ninety C and assignments to driver alcohol education programs under the provisions of section twenty-four D of chapter ninety, during any three year period, the registrar shall, after a hearing based solely on the accuracy of said merit rating board's records, suspend the license or right to operate a motor vehicle for sixty days. The cost of any hearings required by the provisions of this section shall be assumed by the merit rating board.

Approved December 22, 1983.

BOSTON, CITY OF—TIDEWATERS—LICENSES AND TITLE TO LAND

Chap. 704. PROVIDING THAT CERTAIN TIDEWATERS LICENSES GRANTED OR TO BE GRANTED TO PLACE AND MAINTAIN FILL AND STRUCTURES ON ATLANTIC AVENUE IN THE CITY OF BOSTON BE MADE IRREVOCABLE, AND RELATING TO TITLE TO CERTAIN LAND ON ATLANTIC AVENUE IN THE CITY OF BOSTON LYING LANDWARD AND SEAWARD OF THE PRIMITIVE LOW WATER LINE.

Be it enacted, etc., as follows:

SECTION 1. As used in this act, the following terms shall have the following meanings:-

(a) "Site", a certain parcel of land in the city of Boston in Suffolk county, commonly known as Rowes Wharf and Fosters Wharf, more particularly bounded and described as follows:

Beginning at a point on the easterly sideline of Atlantic Avenue, said point being the northwest corner of the property to be described, said property being now or formerly of the Boston Redevelopment Authority, said point of beginning having a Massachusetts Coordinate System value of X=721,346.69 and Y=494,815.18;

Thence running N 71° 12' 21" E along land now or formerly of First City Developments Corp. of Boston - Harbor Towers II, a distance of six hundred forty-six and 50/100 (646.50) feet to a point on the United States Pierhead & Bulkhead Line established by the War Department on April 24, 1940;

Thence turning and running S 28° 55' 55" W along said United States Pierhead & Bulkhead Line a distance of eight hundred fifty and 39/100 (850.39) feet to a point;

Thence turning and running N 69° 05' 34" W along a line perpendicular to the Harbor Line in Boston Harbor established by Chapter 170 of the Acts of 1880 a distance of thirty-two and 99/100 (32.99) feet to a point;

Thence turning and running N 78° 07' 05" W along land now or formerly of Atlantic Avenue Limited Partnership, a distance of two hundred one and 29/100 (201.29) feet to a point;

Thence turning and running N 9° 10' 35" E, along the easterly sideline of said Atlantic Avenue, a distance of two hundred thirty-one and 25/100 (231.25) feet to a point;

Thence turning and running N 2° 11' 11" W along the easterly sideline of said Atlantic Avenue, a distance of two hundred fifty-four and 65/100 (254.65) feet to the point of beginning,

said parcel containing 234,298 square feet, more or less.

(b) "Primitive low water line", the low water mark on the site as determined in eighteen hundred and forty-six by George Baldwin pursuant to appointment by the supreme judicial court of the commonwealth, or such more seaward line as may hereafter be established by the commonwealth in substitution for said low water mark as determined by George Baldwin.

(c) "Maritime facilities", the following facilities to be constructed on portions of the site as part of the project: a ferry dock and passenger waiting area for use by commercial passenger ferries; a dock for use by dinghies, rowboats and similar small craft which shall be available for use by the transient general boating public on the same terms and conditions as the owner, lessee or other person having an interest in or management control of the site, or of the maritime facilities, as the case may be, may establish from time to time for users of such dock who are residents or occupants of the project; and a pleasure boat marina in which at least fifty per cent of the slips shall be available for use by the transient general boating public on the same terms and conditions as the owner, lessee or other person having an interest in or management control of the site, as the case may be, may establish from time to time for users of such marina who are residents or occupants of the project.

(d) "Project", a mixed use development of the site to be undertaken by one or more developers who are purchasers from or lessees of the Boston Redevelopment Authority including the placing and maintenance of fill and the construction and maintenance of: wharves and piers; the maritime facilities; one or more buildings for residential use, including rental apartments, condominiums or cooperatives, hotel use, retail use, restaurant use, and office and commercial use, or any combination of two or more of such uses, and a continuous pedestrian walkway commencing at the northerly sideline of the site and continuing along the seaward edge of such wharves, piers and buildings to the southerly sideline of the site, which walkway shall be accessible to the general public under such reasonable rules and regulations as the owner, lessee or other person having an interest in or management control of the site, as the case may be, may establish from time to time.

(e) "Residual rights", all right, title and interest of the commonwealth or the people of the commonwealth, whether by way of retained fee or easement, public trust, implied condition or otherwise, subject only to the expressed condition set out in clause (b) of section five of this act.

SECTION 2. The general court hereby declares and finds that the site consists in part of historic flats and in part of submerged land; that the site bears a resulting cloud on title which causes serious impediments to the redevelopment of the site; that existing structures on the site, erected pursuant to licenses granted by the board of harbor and land commissioners have deteriorated and fallen into disrepair and are presently blighted and unsafe, and prevent the public's use and enjoyment of Boston Harbor; that the site is within the boundaries of the area described in and subject to the provisions of chapter six hundred and sixty-three of the acts of nineteen hundred and sixty-four, that the Boston Redevelopment Authority desires to sell a

portion of the site and lease a portion of the site for development of the project; that development of the site for the project will serve a proper public purpose by redeveloping a blighted open area and assisting the economic revival of the city of Boston, and will assure public access to and enjoyment of Boston Harbor; that the project can be developed and financed only if said cloud on title is removed; and that the undertaking of the Project and any filling of or construction in flats or submerged lands necessary to the undertaking of the project will not be detrimental to the public navigation and will have a de minimis effect upon the remaining waters of Boston Harbor.

SECTION 3. Any and all licenses heretofore granted by the board of harbor and land commissioners or by any agency, department or commission of the commonwealth for the filling of flats or submerged lands, for the maintenance of fill, or for the construction or maintenance of wharves, piers or other structures on any portions of the site lying landward of the primitive low water line shall be irrevocable and, notwithstanding the purpose for which any such license was issued or the terms or conditions of any such license, shall authorize filling or the maintenance of fill or the erection or maintenance of structures for the project. Any and all licenses heretofore granted by the board of harbor and land commissioners or by any agency, department or commission of the commonwealth for the filling of flats or submerged lands, for the maintenance of fill, or for the construction or maintenance of wharves, piers or other structures on any of the site lying seaward of the primitive low water line shall, notwithstanding the purpose for which any such license was issued or the terms or conditions of any such license, authorize filling or the maintenance of fill or the erection or maintenance of structures for the project and shall be irrevocable for so long as the maritime facilities shall exist on the site; provided, however, that this provision shall not be deemed to impose any obligation on any owner, lessee or other person having any interest in or management control of the site or any portion thereof to operate any or all of the maritime facilities.

SECTION 4. Any and all licenses hereafter granted by any agency, department or commission of the commonwealth, including without limitation licenses issued by the department of environmental quality engineering pursuant to chapter ninety-one of the General Laws, for the filling of flats or submerged lands, for the maintenance of fill, or for the construction of wharves, piers or other structures on any portions of the site lying landward of the primitive low water line shall be irrevocable and shall authorize filling or the maintenance of fill or the erection or maintenance of structures for the project. Any and all licenses hereafter granted for the filling of flats or submerged lands, for the maintenance of fill or for the construction of wharves, piers or other structures on any portions of the site lying seaward of the primitive low water line shall authorize filling or the maintenance of fill or the erection or maintenance of structures for the project and shall be irrevocable for so long as the maritime facilities shall exist on the site; provided, however, that this provision shall not be deemed to impose any obligation on any owner, lessee or other person having any interest in or manangement control of the site or any portion thereof to operate any or all of the maritime facilities.

SECTION 5. In furtherance and not in derogation of chapter six hundred and sixty-three of the acts of nineteen hundred and sixty-four, and notwithstanding the provisions of any other general or special law to the contrary:

(a) to the extent that the site consists of flats or submerged lands lying landward of the primitive low water line, the commonwealth relinquishes its residual rights in the site to the Boston Redevelopment Authority and its successors in title and assigns;

(b) to the extent that the site consists of flats or submerged lands lying seaward of the primitive low water line, the commonwealth relinquishes its residual right in the site to the Boston Redevelopment Authority and its successors in title and assigns for so long as the maritime facilities shall exist on the site; provided, however, that this provision shall not be deemed to impose any obligation on any owner, lessee or other person having any interest in or management control of the site or any portion thereof to operate any or all of the maritime facilities.

SECTION 6. Prior to the exercise by the commonwealth or by any agency, department or commission of the commonwealth, of any right retained hereunder to revoke any license to fill or maintain fill or to construct or maintain any wharves, piers or other structures, or to the exercise by the commonwealth of any right to re-enter the site, by reason of the fact that the maritime facilities no long exist on the site, the commonwealth or any such agency, department or commission of the commonwealth, shall give written notice to the owner or owners of record of the site or any portion thereof, and to the record holders of any mortgages upon the site or any portion thereof, of its or their intention to exercise any such right and shall afford to such owner or owners, and to any such mortgagees, a period of one year to reconstruct or repair the maritime facilities, or such longer period as may be necessary to so reconstruct or repair the maritime facilities if such reconstruction or repair shall commence within such one year period and thereafter be diligently pursued to completion.

Approved December 22, 1983.

EXHIBIT C

Acts 1948, Chapter 475

Acts 1949, Chapter 124

Acts 1950, Chapter 591

Acts 1951, Chapter 639

Acts 1954, Chapter 37 and Chapter 638

Acts 1955, Chapter 534

Acts 1960, Chapter 815

Acts 1966, Chapter 733

Chap. 663. An Act authorizing the department of public works and the Boston redevelopment authority to exercise certain powers in regard to certain tidelands along the Atlantic avenue and commercial street waterfront in the city of Boston.

Be it enacted, etc., as follows:

Section 1. The Boston Redevelopment Authority, hereinafter called the Authority, may include in the area covered by an urban renewal plan or land assembly and redevelopment plan under chapter one hundred and twenty-one of the General Laws so much of the tidelands as lie within that area in the city of Boston beginning at the intersection of the northeasterly sideline of Northern avenue and the westerly U. S. Pierhead Line of the Fort Point Channel and running northwesterly by the northeasterly sideline of Northern avenue to the westerly sideline of Atlantic avenue; thence turning and running northerly and northwesterly by the westerly sideline of Atlantic avenue and of Commercial street to the southeasterly sideline of Hanover street; thence turning and running northeasterly by the southeasterly sideline of Hanover street to the southwesterly property line of the U. S. Coast Guard Base; thence turning and running southeasterly by the southwesterly property line of the U. S. Coast Guard Base to the southeasterly property line of the U. S. Coast Guard Base; thence turning and running northeasterly by the southeasterly property line of the U. S. Coast Guard Base extended to the U. S. Pierhead Line; thence turning and running southeasterly, southerly and southwesterly by the U. S. Pierhead Line, to the point of beginning.

Section 2. On the thirtieth day after the execution under the federal Housing Act of 1949, as amended, of a loan and grant contract for a project covered by an urban renewal or land assembly and redevelopment plan including the area in the city of Boston described in section one and approved by the department of commerce and development established under chapter twenty-three A of the General Laws, all right, title and interest of the commonwealth in and to the tidelands within said area shall vest in the Authority; provided that within said thirty days, the authority files in the registry of deeds for Suffolk county a certificate by the Authority that such contract has been so executed, and gives written notice of such filing to the state department of public works or its successor in function under chapter ninety-one of the General Laws, hereinafter called the department. Such certificate shall include a statement of the provisions of section one and of the preceding sentence of this section. Upon receipt of notice of the filing of such certificate, the department shall engage at the expense of the Authority a real estate expert to appraise the value of the right, title and interest of the commonwealth vesting in the Authority under this section. The department, after consideration of such appraisal, shall recommend to the governor and council an amount which in its opinion constitutes just compensation for the right, title and interest so vesting. The governor and council, after considering such appraisal and such recommendation, shall determine the amount to be paid to the commonwealth therefor.

Section 3. From the time the certificate provided for by section two is filed in the registry of deeds for Suffolk county until January

first, nineteen hundred and seventy-one, no license to fill or maintain fill or to erect or maintain a structure within the area described in section one shall be granted by the department unless the application therefor is approved in writing by the Authority nor unless the license is subject to such conditions, if any, as the Authority may prescribe in its approval and, if it is a license to build a structure or to do other work in, over or under the waters in said area, subject to the further condition that such license shall expire in five years from its date, except as to valuable structures, fillings or enclosures actually and in good faith built or made under such license during the term thereof. Notwithstanding the provisions of section fifteen of chapter ninety-one of the General Laws, every license granted with the approval of the Authority between the time the certificate provided for by section two is filed as therein provided and January first, nineteen hundred and seventy-one, shall be irrevocable. The department may execute and deliver a certificate in form suitable for recording as to the completion of any structure or filling pursuant to any such license issued by it, and the register of deeds for Suffolk county shall accept the same for recording and make a marginal reference thereto upon the record of the appropriate license upon payment of the fee prescribed in chapter two hundred and sixty-two of the General Laws.

SECTION 4. The amount of tidewater displaced or to be displaced by any structure below high water mark or by any filling of flats shall be ascertained by the department which shall require the licensee to pay to the commonwealth before the license shall become effective such amount, if any, as shall be assessed by the department with respect to such displacement, in accordance with the provisions of chapter ninety-one of the General Laws, and each such license granted by the department shall contain a recitation that such assessment has been made and payment received.

SECTION 5. Nothing herein shall affect or impair the powers and responsibilities of the department with respect to tidewaters within any portion of the area covered by such plan which is not subject to a license granted as provided in section three. *Approved July 2, 1964.*

Chap. 664. AN ACT INCREASING THE SALARY OF THE CLERK OF THE SECOND DISTRICT COURT OF BARNSTABLE.

Be it enacted, etc., as follows:

Paragraph (1) of section 79 of chapter 218 of the General Laws is hereby amended in *Class II* by striking out lines 1 and 2, as appearing in chapter 725 of the acts of 1962, and inserting in place thereof the following line: — The district court of Chicopee. — and in *Class III* by striking out line 1, inserted by section 1 of chapter 761 of the acts of 1962 and inserting in place thereof the following two lines: —

The second district court of Barnstable.
first district court of Bristol. *Approved July 2, 1964.*

to refund to the District the amount of $218,364.62, representing the amount already paid under such contract and to revise such contract by adding such amount to the obligation for future payment, (b) to further revise such contract so that further payments on its construction charge obligation will be rescheduled in a manner satisfactory to the Secretary over a period not to exceed fifty years from the date of the aforementioned delivery of water, and (c) to cancel any penalties which have accrued on any unpaid matured construction charge payments.

Sec. 3. The Secretary of the Interior may use any funds that are otherwise available to him to carry out this Act.

Approved May 18, 1968.

BOSTON HARBOR—NAVIGABILITY

PUBLIC LAW 90-312; 82 STAT. 125

[H. R. 14...]

An Act to declare a portion of Boston Inner Harbor and Fort Point Channel nonnavigable

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

That portion of Boston Inner Harbor and Fort Point Channel in Suffolk County, Commonwealth of Massachusetts, lying within the following described area is hereby declared to be not a navigable water of the United States within the meaning of the laws of the United States: Beginning at the intersection of the northeasterly sideline of Northern Avenue and the westerly United States Pierhead Line of the Fort Point Channel and running northwesterly by the northeasterly sideline of Northern Avenue to the westerly sideline of Atlantic Avenue; thence turning and running northerly and northwesterly by the westerly sideline of Atlantic Avenue and of Commercial Street to the southeasterly sideline of Hanover Street; thence turning and running northeasterly by the southeasterly sideline of Hanover Street to the southwesterly property line of the United States Coast Guard Base; thence turning and running southeasterly by the southwesterly property line of the United States Coast Guard Base to the southeasterly property line of the United States Coast Guard Base; thence turning and running northeasterly by the southeasterly property line of the United States Coast Guard Base extended to the United States Pierhead Line; thence turning and running southeasterly, southerly and southwesterly by the United States Pierhead Line, to the point of beginning.

Approved May 18, 1968.

LETTER 8

Choate, Hall & Stewart
May 16, 1984

(8.1) COMMENT: State Harbor Line.

RESPONSE: These comments regarding the concurrency of the State Harbor Line and U.S. Pierhead and Bulkhead Line of 1940 are included here as the documentation upon which the proponent has based responses to questions and issues concerning the location of these lines.

City of Boston
The Environment
Department

Boston City Hall/Room 805
Boston, Massachusetts 02201
617/725-4416 or 725-3850

May 9, 1984

Samuel G. Mygatt
Executive Director
Environmental Impact Review
Executive Office of Environment Affairs
100 Cambridge Street
Boston, MA 02202

ATTN: EOEA No. 4992

Dear Mr. Mygatt:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Rowes Wharf Development. The staff of the Boston Landmarks Commission have reviewed the project principally in relation to its adjacency to the Custom House District - an area listed on the National Register of Historic Places since 1973.

While the Massachusetts Historical Commission must work within Federal procedures established by the Advisory Council on Historic Preservation pursuant to the Historic Preservation Act of 1966, the Landmarks Commission takes a somewhat broader view in looking at the potential impacts of a project on historic resources and special character of the City. In this instance, the commission staff is concerned about the degree to which the historic connection between the Custom House District and the waterfront is blocked by the proposed project.

The area was developed in the 1st decade of the 19th century by the Broad Street Associates, with Charles Bulfinch as planner. Created on filled land, the district was built up with stores and warehouses designed to serve the active waterfront commerce. Later buildings, while larger in size and different stylistically, continued to serve this function throughout the 19th century. Therefore, the visual connection of the district to the waterfront is important to an understanding of the area. The BRA and the Boston Society of Architects understood this when they drafted guidelines requiring a fifty foot wide opening "aligning with and providing [a] view of the harbor from Broad Street," and the Atlantic Avenue frontage should not "suggest barriers between the waterfront and downtown areas."

The problem, in the view of this office, is that the massing of the building does, in fact, suggest a barrier between the harbor and the Broad Street/ Custom House District. Specifically, the alignment of the principal opening in the building is such that it misses providing the required view of the harbor from Broad Street. The visual quality studies ("View D-Proposed," p. 91) clearly demonstrate this lack of view from the middle of Broad Street-much less the southwest side. 1

Air Pollution Control Boston Art, Back Bay Architectural Beacon Hill Architectural, Boston Landmarks and the Conservation Commissions

Similarly, the "northern promenad e" of the project does not align sufficiently with High Street to allow for a water view. Figure IV-18 on p. 83 demonstrates this in plan.

The Rowes Wharf succeeds very well on the water side of the site where it draws upon the tradition of finger piers along the waterfront for its origins. These finger piers allowed for a visual interplay between the water, water activity and the headland, letting people understand the City's relationship to the harbor. The Rowes Wharf project is unfortunate insofar as it presents a blocky wall along Atantic Avenue relieved only by an entrance court which fails to line up with the major pedestrian access points from the downtown. For reasons having to do with maintaining both historical connections as well as Boston's self image as a City on a harbor, we hope that this project can be modified to allow for a better connection with the water.

Sincerely,

Marcia Myers
Executive Director
Boston Landmarks Commission

HAND DELIVERED

LETTER 9

City of Boston, The Environment Department
Boston Landmarks Commission
May 9, 1984

(9.1) COMMENT: Barrier between Harbor and Broad Street/Custom House District, High Street and northern promenade alignment, and Atlantic Avenue massing.

RESPONSE: In response to these concerns, the proponent met with the Boston Landmarks Commission and the Boston Preservation Alliance on July 3, 1984. Project facade, massing on Atlantic Avenue, and views to the Harbor were discussed. At the meeting, a number of design modifications to the central arch were reviewed. As a consequence, a revision to the arch was adopted that increases the arch width to 72 feet, thus improving views down Broad Street while maintaining other important views along Atlantic Avenue and down High Street. The resultant views are illustrated and discussed in Chapter IV: Visual Quality and Urban Design.

The approach to the site will provide an immediate awareness of varied street-level activities along Atlantic Avenue. Canopies, signage, drop-off areas, bellhops and doormen will signify the various residential, office, hotel, restaurant, and retail entrances that line Atlantic Avenue. Special treatment of the lower-level facades in terms of materials and fenestration will also be apparent. Current plans call for use of granite and other masonry materials, although detailed design is still in progress. The grand central arch provides a clear focus and an invitation to wander into the project area. Rather than a "wall" on Atlantic, it is at this point that the visitor begins to experience the elaborate mix of uses on the site and their varied contribution to life and vitality along Atlantic Avenue.

As shown in View F of Chapter IV, the Harbor is clearly visible from High Street. If the High Street ramp is relocated, there will also be a view of the Harbor through the enlarged central archway. This seaview becomes increasingly apparent as the Surface Artery is approached (see View E).

City of Boston
The Environment
Department

Boston City Hall/Room 805
Boston, Massachusetts 02201
617/725-4416 or 725-3850

RECEIVED
MAY 11 1984
OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

May 9, 1984

Secretary James Hoyte
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

RE: ROWES WHARF DEVELOPMENT EOEA #4992

Dear Secretary Hoyte:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for Rowes Wharf. In our review of this document, we feel the following issues need to be addressed further in light of the precedents which some may set for future waterfront land use along Boston Harbor.

The following are areas of major concern to us.

1. Development of a non-maritime dependent use beyond the Harbor Line of 1880. Whether on solid fill or piles, this type of encroachment into the water of Boston Harbor must be avoided. The proponents should be required to redesign the project to eliminate this encroachment.

2. Extension of pile structures beyond the U.S. Pier and Bulkhead line have irreversable impacts on navigation. Alternatives should be developed which do not impact the navigable waters of the Harbor.

3. The proponents continually discuss changing the established Anchorage Areas to accommodate their development. The report shows no attempt by the developers to make appropriate changes in their proposal to accommodate the Anchorage Areas. Can alternative designs be reviewed which locate the ferry dock at other locations on the site, such as the north east section of the parcel.

4. The location of the dinghy dock is not clear in the report. It should be away from the ferry approach to the terminal dock. It should not require the small vessels to travel across or along the channel area of the ferry operators.

5. Have the proponents reviewed the use of any types of wave barrier structures to protect the vessels in the Anchorage Areas or the slips. The frequent wakes caused by the ferries could cause havoc with people getting on and off vessels in the Anchorage Areas or at the dinghy dock.

6 In the Environmental Notification Form, Section K, we were led to believe the proponents would be doing a study of shadow impacts. No information on this was presented in the report. Sunlight is extremely important to public areas. The public may view these areas as uninviting if they are in shadows most of the daylight hours.

We hope the Secretary will require the above issues to be addressed more adequately in the Final Environmental Impact Report. This development has the ability of being an asset to both the City and the Harbor if designed in a way which is more sensitive to the adjacent areas.

Sincerely,

L.M. Downey
Executive Secretary
Boston Conservation Commission

LMD/sef

LETTER 10

City of Boston, The Environment Department
Conservation Commission
May 9, 1984

(10.1) COMMENT: Non-maritime use beyond 1880 Harbor Line.

RESPONSE: Following publication of the Draft EIR, concerns were raised about the project's extension beyond the State Harbor Line, which was identified by some parties as being the 1880 Harbor Line. State agencies indicated they could not license permanent structures outside the line. After considerable research, it was established that the Harbor Line of 1880 had been amended at various locations. The Acts of 1939 changed the State Harbor Line of 1880 in the area near Rowes to the same location as the U.S. Pierhead and Bulkhead Line of 1940. This is documented in a letter included in this Chapter as Letter 8. The project has now been relocated to fall within the State Harbor Line. Also see the response to Comment 1.4 and the Notification of Project Changes (Appendix 6).

(10.2) COMMENT: Pile structures beyond U.S. Pierhead and Bulkhead Line.

RESPONSE: All project structures are now in non-navigable waters within the U.S. Pierhead and Bulkhead Line of 1940. See the responses to Comments 1.4 and 10.1, and the Notification of Project Changes.

(10.3) COMMENT: Accommodating Anchorage Areas.

RESPONSE: The southern location for the ferry dock has been identified by the U.S. Coast Guard as improving ferry access (see Letter 22), and by the Boston Harbor Sailing Club as minimizing potential conflicts between recreational and commercial water activities (Letter 4). Locating the ferry dock in the northeast portion of the site would put it in direct conflict with the most heavily used Anchorage Areas. As detailed in Chapter IV: Water-Related Activities, a number of meetings with interested parties have been held to discuss the Anchorage Areas, and a proposal for the reconfiguration of Anchorage Area B has been developed and initially reviewed with the Boston Harbormaster and the U.S. Coast Guard.

(10.4) COMMENT: Dinghy dock location.

RESPONSE: The public dinghy dock has been relocated from the southern inlet to the inlet between the north and central piers for better protection from wave action, to avoid potential conflicts with ferries, and to provide more direct access to the Anchorage Areas. The dinghy dock is discussed in greater detail in Chapter IV: Water-Related Activities.

(10.5) COMMENT Wave barriers.

RESPONSE: Wave barriers, located within the boundaries of the Rowes Wharf project, would have minimal effect in mitigating the major source of waves, which comes from ships passing in the ship channel.

(10.6) COMMENT: Shadow study.

RESPONSE: An indepth shadow analysis, which includes a review of the impacts on public areas, is included in Chapters I and IV under the subheading of Shadow. As discussed in Comment 3.3, a large portion of the project's public areas will receive full sunlight during the morning and early afternoon hours from spring through fall.

The Commonwealth of Massachusetts
Aeronautics Commission
Boston - Logan Airport, Boston 02128

RECEIVED
MAY 7 1984
OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

New Office:

10 Park Plaza, Room 6620
Boston, MA 02116-3966

May 2, 1984

James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street, Room 2000
Boston, MA 02202

Attention: MEPA Unit

Re: EOEA # 4992, Rowes Wharf, Boston

Dear Secretary Hoyte:

Our letter of November 23, 1983 identified the potential for serious environmental conflict between this proposed development and the existing aircraft noise levels at the site. However, the Draft Environmental Impact Report (DEIR) including no mention of this issue and proposes no mitigation measures whatsoever. Rather, the number of condos is raised from 150 to 165 and the number of hotel rooms from 160 to 200. 1

We therefore strongly urge you to find that the DEIR does not adequately and properly comply with Ch.30, §62, Mass. General Laws and with the regulations governing the preparation of Environmental Impact Reports.

Over the years, Massport and the airlines using Boston-Logan Airport have invested huge amounts of time, effort and money in reducing the human impact of aircraft noise--especially in residential areas. This project would expand human habitation to the existing noise impacted area associated with a flight path, potenitally reversing that program's past success.

If the proposal were for airport development that would bring this noise level to 365 residences, great care, careful study, and extensive mitigation would be mandated. The environmental impact of inserting residences into existing noise is exactly the same.

We suggest that it is environmentally and morally imperative that extensive mitigation measures be arranged in close consultation with Massport and airport users.

Sincerely,

Richard Kimball

Richard Kimball
Airport Engineer

RK:mt

cc: Boston Redevelopment Authority
The Beacon Companies
Skidmore, Owings & Merrill
Massachusetts Industrial Finance Agency
Boston Industrial Development Finance Authority
C. Barrett, Massport
P. Ignatius, ATA
A. Jan, FAA (ANE-610)
M. Martinez, ALPA
(w/encs.)

The Commonwealth of Massachusetts
Aeronautics Commission
Boston - Logan Airport, Boston 02128
(617) 727-5350

RECEIVED
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OF ENVIRONMENTAL AFFAIRS

November 23, 1983

James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street, Room 2000
Boston, MA 02202

Attn: MEPA Unit

Re: EOEA # 4992, Rowes/Fosters Wharf

Dear Secretary Hoyte:

The proposed site is subject to aircraft operating noise of approximately L_{dn} 65dB(A), primarily from jets taking off on Runway 27 at Logan Airport. The general urban hubbub would only add to this.

Since the proposed development includes 150 residential condominiums and 160 hotel rooms, the impact of ambient noise on future occupants is expected to be significant. HUD regulations would have called for structural soundproofing, if the project included HUD funding.

We also present our concern that peak noise levels will prove disruptive in the office areas (drowning out telephone calls, meetings, conversations, etc.) and even in the restaurants.

It is the Aeronautics Commission's judgment that the proposed project requires extensive soundproofing and imposition of such a requirement is recommended.

Sincerely,

Arnold R. Stymest

Arnold R. Stymest
Director of Aeronautics

RK:ep

cc: Boston Redevelopment Authority
The Beacon Companies
Skidmore, Owings & Merrill
Massachusetts Industrial Finance Agency
Boston Industrial Development Finance Authority

LETTER 11

Commonwealth of Massachusetts, Aeronautics Commission
May 2, 1984

(11.1) COMMENT: Potential conflict between Development and aircraft noise levels.

RESPONSE: The proponent has engaged the firm of Cavanaugh-Tocci Associates, Inc., acoustical consultants, to develop acoustical design criteria for the project. Cavanaugh-Tocci is performing on-site measurement of ambient noise levels as the first step towards developing appropriate design standards.

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

COASTAL ZONE
MANAGEMENT

MEMORANDUM

TO MEPA Unit

FROM: Richard F. Delaney, CZM
Roderick Gaskell, DEQE

DATE: May 9, 1984

SUBJECT: EOEA #4492 Rowes Wharf Development
Draft Environmental Impact Report

The staff and Directors of the Massachusetts Coastal Zone Management (MCZM) Office and DEQE Wetlands Waterways Division have reviewed the Rowes Wharf Development Draft EIR and would like to offer the following comments for consideration. It is the joint conclusion of DEQE and CZM that the project as proposed in the DEIR presents several issues which should be clarified or resolved by further environmental impact review or other mechanisms before the project can proceed.

1. Harbor Line

The DEIR shows a development which appear to go beyond the property boundaries of the site as identified in Chapter 704 of the Acts of 1983, and beyond historical and legal harbor lines. 1

BACKGROUND

As noted in the DEIR, several harbor lines exist which establish limits for construction and development in Boston Harbor. The 1880 Harbor Line has been uniformly observed by the Commonwealth, and as far as we are aware, no permanent structures of any type have been licensed by the agencies of the Commonwealth beyond this line as of the present date, except by statutes authorizing specific structures.

The importance of harbor lines can be traced back to 1866 when the General Court established the Board of Harbor Commissioners and recognized that incremental filling of the harbor was causing significant interference with the navigability, as well as the tidal flushing of the harbor. These environmental concerns have been reinforced in the 1980's in legal references and DEQE Permit actions.

In 1939 the legal harbor line was extended by Special Act, (C. 402 of the Acts of 1939) and those coordinates were identified one year later by the Secretary of the Army, War Department, as the U.S. Pier and Bulkhead Line. Despite these adjustments, the historical and present day standard for licensing development in submerged lands in Boston Harbor continues to be the 1880 Harbor Line.

Finally, M.G.L., C. 91 s. 14 states that DEQE is prohibited from licensing any structure beyond established harbor lines unless the structure is authorized by law (emphasis added).

COMMENT:

It is on the above-mentioned foundation that DEQE and MCZM base their concerns that the project as designed in the DEIR significantly exceeds the 1880 and to a lesser extent, the 1939 harbor lines.

The legality of the 1939 Harbor Line is presently in question in the absence of a comprehensive review of the statutes in recent years. The 1939 line was repealed in part by Chapter 733 of the Acts of 1966. It appears that this statute refers only to an East Boston portion of the line. However, until a clear sorting of special acts on this issue is done, the status of the line will remain unclear. In the absence of such a review, the legislature and users of the waterfront have traditionally referred to the 1880 line as the operative limit. In this proposal, the proponent should be required to demonstrate the location of the 1939 Harbor Line, in proportion to the development, and its current validity. This must be done before the Commonwealth can establish either the environmental impact or the legality of the proposal within these bounds.

MCZM and DEQE's comments with respect to the harbors lines fall into three areas:

a. Because the U.S. Pier and Bulkhead Line is used by the legislature to define the project site, part of the proposed project is outside of the property boundary covered by the provisions of C. 704 of the Acts of 1983. 2

b. Although MCZM and DEQE are concerned about development occurring beyond what has been a long-respected limit, the proponent may be legally authorized to extend structues in the area between the 1880 and 1939 Harbor Lines. If this is the case, MCZM and DEQE would like to encourage that the proponent consider the project feasibility with non-permanent structures. For example, using bottom anchor floats as opposed to pile supported floats for boat docks. As discussed herein at #3, an alternative which utilizes engineering choices which minimize impacts on the marine resources would go a long way toward establishing reasonable parameters for what appears to be a harbor development precedent. 3

c. DEQE and MCZM have noted that the DEIR presents only one development alternative for the site. (A no-project alternative is also listed). In addition to this option, it is appropriate for the proponent to discuss project feasibility within the legal boundaries of the property and to acknowledge other requirements in design. Some of the elements the proponent should consider in an alternative design include: 4

1. A project ~~this~~ is contained inside the property, as indicated by the legislature in Chapter 704 of the Acts of 1983.

2. A project which uses temporary structures as opposed to permanent structures in the submerged areas seaward of the 1880 Harbor Line.

3. A project which incorporates the features of a. and b. and which constructs the same amount or more of public maritime and access facilities.

2. Chapter 91 License

MCZM and DEQE recognize that C. 704 of the Acts of 1983 provides that a waterways license for the project will be considered irrevocable, once issued. In that statute, the general court stated that in order for the project to serve a public purpose it must "assure public access to and enjoyment of Boston Harbor." Among the elements of this requirement the proponent is asked to provide the facilities listed in Section 1 (c) including a ferry dock and passenger area, dock space for the transient general boating public and 50% of the slips within a pleasure boat marina.

It is of foremost concern that any redesign of the project provide adequately for these facilities. The legislature has mandated that DEQE and MCZM apply newly enacted standards for waterways projects as set forth in M.G.L. Chapter 91, (as amended in Chapter 589 of the Acts of 1983) in the forthcoming licensing process. In this regard, further issues of water-dependency, fishing access and other public rights must be reviewed in the DEIR and in the license application to DEQE. The adequacy of the public rights protected or provided in this project is a qualitative and quantitative judgement which is appropriately made by DEQE and MCZM and required in C. 91. 5

With regard to DEQE Licensing there are several areas which need to be addressed in greater detail by the proponent, including:

a. a more detailed discussion of alternatives to intrusion of the project into the Special Anchorage Areas in Boston Harbor. 6

b. more information is needed from the proponent regarding the operation and ~~development~~ maintenance of the maritime facilities. 7

c. coordination with appropriate agencies such as Massport, Boston Traffic Authority, DPW, EOTC and others regarding the project's consistency with the identified water based transportation needs in the harbor. 8

3. Dredging, Filling and Excavation

In addition to the legal issue previously discussed, the technical staff at MCZM and DEQE have reviewed the DEIR for adequacy regarding dredging, filling and excavation proposals. The following is a list of items which are presently not addressed in the DEIR which MCZM and DEQE suggest are necessary for a complete evaluation of the project impacts.

a. Testing Requirements: 9

1. Ocean Disposal of Dredge Material	- Sampling of the dredge material must be repeated because the samples for the DEIR were taken outside of the Dredge "footprint".
	- Bio-assay/bio-accumulation tests are required for dredge material slated for the "Foul Area".
2. Upland Disposal of Excavated Material	- Chloride tests have not been performed
	- EP Toxicity tests have not been performed and a determination of the requirement to perform these test must be made by the division (WPC).

b. Excavated Material

Section 103 of the Maritime Protection Research and Sanctuaries Act prohibits this material from being disposed of at the "Foul Area" disposal site. The "Foul Area" has been given Interim Designation for the dumping of dredged material only. The only available area for this material is at an upland site. Massachusetts has a crucial shortage of landfill sites for excavated material. The DEIR does not address the key issue of disposal of this large amount of material.

1. The impacts of transporting this material away from the project site are not addressed in the DEIR. 10

2. The condition of the excavated material has not been addressed. (i.e. salt laden). 11

3. Dewatering of the material is not fully addressed (location and method) 12

c. Other Impacts

1. The impacts resulting from resuspended material from dredging, and excavation entering intake pipes of adjacent lobster holding facilities, and the Boston Aquarium, have not been addressed. 13

2. The proposed filtration by the placement of silt curtains around the construction area may be inadequate to mitigate impacts. Silt curtains may be necessary around the entire dredge area. The proponent should be responsible for providing adequate filtration systems for these facilities during construction. 14

4. CZM Federal Consistency Review

In the months ahead, the MCZM Office will be reviewing this proposal as part of the federal consistency review process. The project proponent should contact the Project Review Coordinator at MCZM for additional information concerning this review. 15

LETTER 12

Commonwealth of Massachusetts, Executive Office of Environmental Affairs
Coastal Zone Management and Department of Environmental Quality Engineering
May 9, 1984

(12.1) COMMENT: Relation of project to Harbor lines.

RESPONSE: After considerable legal research, it has been established that the Harbor Line of 1880 was amended at various locations over the years. In the area near Rowes, the Acts of 1939 changed the State Harbor Line of 1880 to the same location as the U.S. Pierhead and Bulkhead Line of 1940. This is documented in detail in Letter 8. The project has been modified so that all structures are now within the State Harbor Line and U.S. Pierhead and Bulkhead Line of 1940. Also see the response to Comment 1.4 and the Notification of Project Changes (Appendix 6).

(12.2) COMMENT: Project vis-a-vis U.S. Pierhead and Bulkhead Line.

RESPONSE: See Comment 12.1.

(12.3) COMMENT: Non-permanent structures in Harbor.

RESPONSE: The revised site plan maintains all structures as permanent and within the State Harbor Line, as described in the response to Comment 1.2 and as requested by the Secretary of Environmental Affairs (see Letter 1).

(12.4) COMMENT: Alternative designs.

RESPONSE: The project plan has been modified so that all structures are within the State Harbor Line and U.S. Pierhead and Bulkhead Line of 1940, as described in Comment 12.1, while still retaining the public maritime program established for the original plan.

(12.5) COMMENT: Public access, water-dependency, fishing access, and other public rights.

RESPONSE: The proponent is preparing applications to both Coastal Zone Management (CZM) and DEQE/Waterways, in which the public benefits of the proposed Development are addressed. The Rowes Wharf Development provides all the elements of public purpose enumerated in Chapter 704 of the Acts of 1983, including the maritime facilities noted by CZM and public access to and along the waterfront. See also Chapter II: Project and Area Description (Project Benefits), Chapter IV: Water-Related Activities, and the response to Comment 1.2.

(12.6) COMMENT: Anchorage Areas and project "intrusion".

RESPONSE: All permanent structures have been relocated to non-navigable waters, west of the State Harbor Line and U.S. Pierhead and Bulkhead Line of 1940. This change eliminates all direct impacts on the Special Anchorage Areas. However, the smaller Anchorage Area B lying off the southeastern end of the site, conflicts with the access of ferryboats to the proposed new ferry dock. In consultation with the Coast Guard and Boston Harbormaster, the project proponent has proposed a reconfiguration of Anchorage Area B adjacent to the Anchorage Areas at the northern end of the site (see Figure IV-50 in Chapter IV: Water-Related Activities). This new configuration will provide greater separation between commercial and recreational boating activities in the area as well as direct access to the project's proposed public dinghy dock. See the response to Comment 1.3 and Chapter IV: Water-Related Activities.

(12.7) COMMENT: Operation and maintenance of maritime facilities.

RESPONSE: The proponent is currently developing an overall management plan for Rowes Wharf which will draw on inhouse experience and capabilities (also see Comments 3.7 and 17.1-17.3). There are plans to establish the position of a maritime facilities manager, who would oversee the operation and maintenance of the maritime facilities (i.e., the ferryboat terminal, marina, and public dinghy dock). This would entail general site upkeep, provision of security, trash and snow removal, and the overseeing of dock and terminal building repairs. In addition, the maritime manager would be responsible for capital budgeting and the coordination of the maritime facility tenants. The operation and maintenance of these facilities are described in greater detail in Chapter IV: Water-Related Activities.

(12.8) COMMENT: Project coordination.

RESPONSE: At project onset, the proponent and its consultants initiated an extensive coordination/information-sharing process with various public agencies, boat operators, and interested organizations. Since the fall of 1983, meetings have been held with agencies/individuals interested in water transportation to insure the development of a water facilities plan for Rowes Wharf

that is consistent with long-term plans for the entire Harbor. These individual meetings have been augmented by the proponent's active participation in the recently established Water Transportation Task Force. A project representative has attended these weekly meetings, providing input on the status of the Rowes Wharf project while assuring information sharing between the proponent and concerned agencies. The following lists some of the agencies/individuals the proponent has been meeting with over the past year. Coordination of project efforts with these groups and others will be continued throughout the Rowes Wharf development process to insure the "project's consistency with the identified water-based transportation needs in the Harbor." See also Chapter IV: Water-Related Activities.

Boat Operators

- Bay State Spray & Provincetown Steamship Co. -- Richard Nakasian
- Boston Harbor Commuter Services -- Dana Goodell
- Harbor Crossing Company -- Arthur Casey
- Mass Bay Commuter Services, Inc. -- Charlie English
- Mass Bay Lines, Inc. -- William Spence

City Officials

- Boston Harbormaster -- Sergeant Eric Hahn
- Boston Redevelopment Authority -- Phil Ziegler, Shirley Muirhead, Paul McCann
- Boston Traffic and Parking Department -- Philip Caruso

State Officials

- Department of Environmental Management -- Kathy Abbott
- Department of Environmental Quality and Engineering -- Roderick Gaskell
- Department of Public Works -- Martha Reardon
- Executive Office of Transportation and Construction -- Ann Hershfang and Cecile Papazian
- Mass. Bay Transit Authority -- Joseph Cahill and Karla Karash
- Massport -- Alice Boelter and Anne Meyers

Federal Officials

- o National Park Service -- Vince Lombardi
- o Urban Mass Transit Administration -- Patricia Cass

Other

- o Boston Educational Marine Exchange -- Carl Koch
- o The Boston Harbor Associates -- Thomas Ennen

In addition, the following operations managers of ferry and maritime facilities were contacted and interviewed:

Ferry Services

- o San Francisco Golden Gate Ferry, San Francisco, California
- o Red and White Lines, San Francisco, California
- o Department of Transportation Bureau of Ferries, New York, New York
- o Fire Island Ferries, Bay Shore, Long Island
- o Woods Hole Steamship Authority, Woods Hole, Massachusetts
- o Bridgeport-Jefferson Ferry, Port Jefferson, Long Island
- o Circle Lines, New York

Ports

- o Port of Miami, Florida
- o Port of Dover, England

(12.9) COMMENT: Dredging, filling, and excavating testing requirements.

RESPONSE: Dredge Material Resampling. As indicated in Figure IV-41 in Chapter IV: Water Quality, Dredging, and Filling, marine sample locations were within the proposed dredging footprint and are believed to be representative of the quality of sediment that will be dredged.

Bioassay/Bioaccumulation Analyses. Bioassay/bioaccumulation analyses were not conducted and included within the Draft EIR pending a determination by the Army Corps of Engineers as to their necessity. Such analyses have now been conducted and the results included in the DEQE Water Quality Certification and the Application for a Department of the Army Permit. These results are reproduced as Appendix 7 and summarized in Chapter IV: Water Quality.

Chloride Testing. Bulk chloride analyses, of the upper stratum of fill material to be excavated, were conducted, presented, and discussed in Chapter IV: Water Quality of the Draft EIR. The concentrations noted were well above the 250 mg/kg limit at which DEQE requires disposal at a coastal landfill.

Since publication of the Draft EIR, test caissons were installed at the locations shown on Figure IV-41 in Chapter IV. Bulk chloride concentrations in excess of 250 mg/kg were detected at intervals throughout the depth of the caissons.

Excavate Disposal and EP Toxicity Testing. The proponent has been working closely with DEQE regarding the disposal of the excavate material. In addition to the bulk chemical analyses of excavate material presented in the Draft EIR, additional testing and EP toxicity analyses have been conducted. This material has been submitted to DEQE for review and is discussed in Chapter IV: Water Quality. The results of the EP Toxicity test are presented in Appendix 7.

(12.10) COMMENT: Transporting excavated materials.

RESPONSE: This material will be in its natural state when excavated due to the utilization of slurry wall construction techniques. The moisture content of the material will vary according to natural conditions. To a great extent, this material will be mined from below the semi-completed garage structure, and it will not be subject to stormwater intrusion. Mined soil will be directly loaded on trucks for transportation to the designated disposal site. Trucks will be covered to avoid dust emissions.

(12.11) COMMENT: Condition of excavated materials.

RESPONSE: See Comment 12.9 and the Final EIR (Chapter IV: Water Quality) for a full presentation of chloride concentrations in upland material to be excavated. Figures IV-45 and IV-47 in Chapter IV present chloride levels both of surficial material (0 to 10 feet) and at depth (to 71 feet).

(12.12) COMMENT: Dewatering of material.

RESPONSE: Only a minimum of construction dewatering is anticipated due to the nature of the material to be excavated and the construction techniques to be utilized.

Material to be excavated is of two basic types: miscellaneous fill and rubble, and underlying native clay and till sediments. The fill material is located largely above the water table, and the site will be isolated from the Harbor by a steel sheet pile bulkhead before excavation begins. The underlying clay and tills are very dense and impermeable. Therefore, the amount of water that will seep through the clay layer into the excavation will be limited.

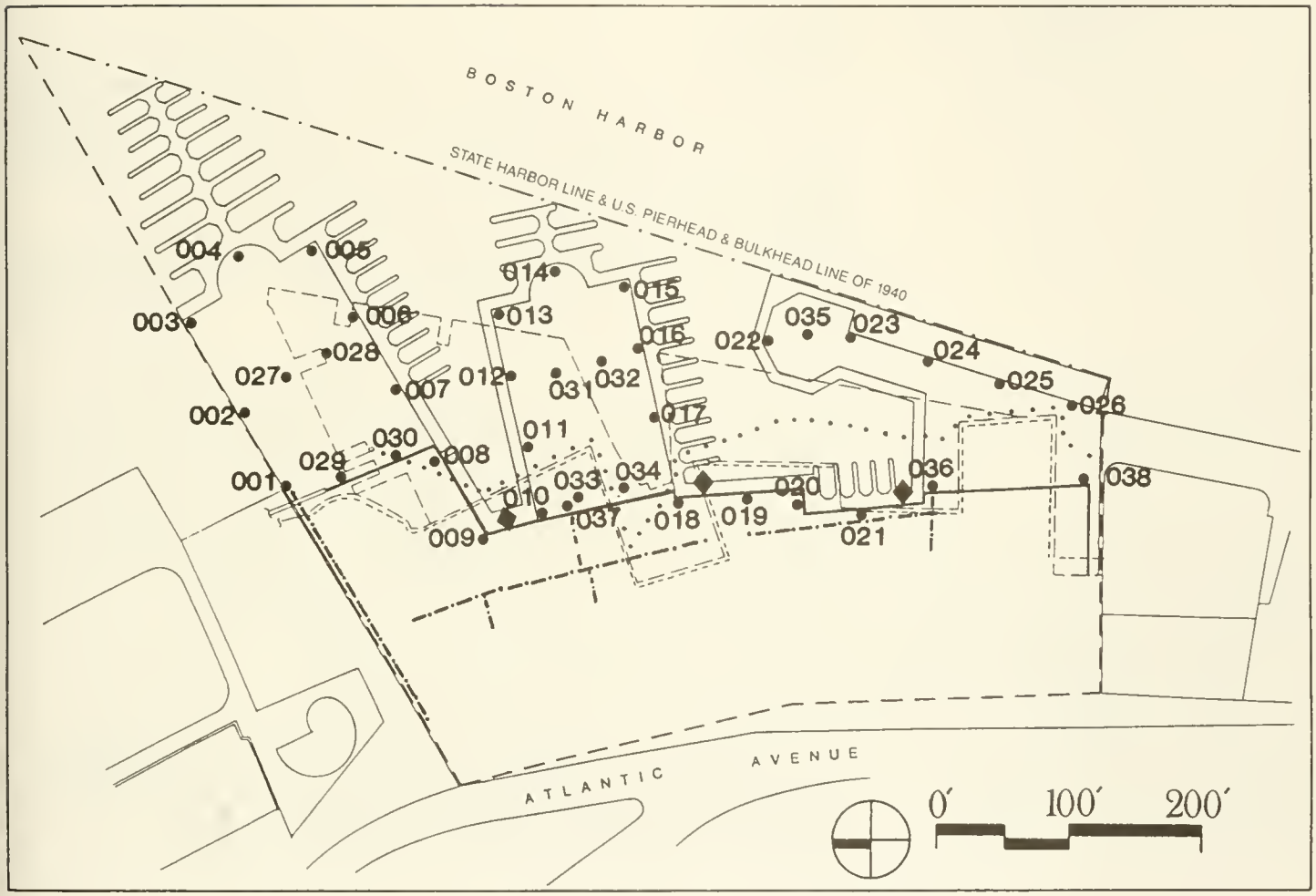
An impermeable reinforced concrete slurry wall foundation system will further limit water seepage into the excavation. This slurry wall will be installed prior to excavation of the below-grade area and will completely enclose this area. Therefore, horizontal movement of groundwater into the excavated area will be minimal.

The second construction technique that will limit the amount of construction dewatering will be the "up-down" method by which the third, fourth, and fifth below-grade levels of the garage will be excavated by mining methods. Therefore, the period during which the excavation will be open and exposed to rainwater will be limited.

Water pumped from the excavation site will be discharged at one of three points along the new bulkhead (see the Figure on the following page). As indicated in the Draft EIR, the discharge will be made below the water surface behind a silt curtain.

There will be no dewatering of excavate in the sense of stockpiling material to drain. Only accumulated water within the construction area is to be discharged to the Harbor. Also see Chapter IV: Water Quality and Chapter IV: Construction.

Discharge Locations



Storm Drain Pipe

• Outfall Location

001–035 Outfall Numbers - Site Drainage

036 & 037 Outfall Numbers - Groundwater

◆ Temporary Construction Dewatering Discharge Locations (3)

(12.13) COMMENT: Impacts of resuspended material.

RESPONSE: As indicated in the Draft EIR, it is possible that some turbidity from dredging operations could reach the intake pipe of Hook Lobster Company and the New England Aquarium. While the Aquarium has a filtration system intended to remove such suspended solids, Hook Lobster Company does not filter its intake water. Existing boat and ferry traffic in the Fort Point Channel often creates turbidity levels which cause Hook Lobster Company to shut down its intake pumps until turbidity decreases to an acceptable level.

In an effort to reduce turbidity levels near Hook's intake during dredge operations, the proponent will completely enclose the area to be dredged with floating booms and silt curtains. Turbidity levels will be monitored during dredging operations and, if necessary, additional mitigation measures such as installation of silt curtains around the Hook intake, filtration, and dredging on the ebb tide will be considered.

(12.14) COMMENT: Filtration systems during construction.

RESPONSE: As noted in the response above, the entire dredge area will be enclosed by suspended silt curtains and turbidity levels will be monitored during the dredging operation. If necessary, further mitigation measures including filtration systems will be considered.

(12.15) COMMENT: Contact MCZM Project Review Coordinator.

RESPONSE: The project proponent has been in contact with the Review Coordinator regarding the federal consistency review process, and has prepared a "Statement of Consistency" for submission to MCZM.

Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Management

100 Cambridge Street
Boston
Massachusetts
02202

Office of the
Commissioner

MEMORANDUM

TO: Sam Mygatt, MEPA Director

FROM: Jim Gutensohn, DEM Commissioner

SUBJ: EOEA File #4992, Rowes/Fosters Wharf

DATE: May 8, 1984

The Department of Environmental Management has reviewed the Draft Environmental Impact Report and wishes to take this opportunity to voice several concerns.

1 One of DEM's goals for its current Master Plan Update for the Boston Harbor Islands is improved information, access and transportation. For this reason we would like to see the proposed mitigation meaaures spelled out for continued ferry operation at present service levels during construction. Also, DEM is negotiating ar

2 agreement with the BRA to develop Long Wharf as a ferry terminal including a Visitor Center for Boston Harbor Islands State Park. For this reason we would be interested in more detailed plans for terminal operation and management at Rowes Wharf. Finally, we feel that visual

3 access to the Harbor is very important to the promotion of its use and that it is severely limited in the present design. DEM supports the inclusion of a third lower build alternative.

4 In closing, we support the concept of the design and the efforts of the developer for an open process. We also appreciate the efforts that have been made toward public access and terminal use of the site. We would like tc coordinate our efforts on terminal design and operation.

Michael S. Dukakis
Governor

James S. Hoyte
Secretary

James Gutensohn
Commissioner

LETTER 13

Commonwealth of Massachusetts, Executive Office of Environmental Affairs
Department of Environmental Management
May 8, 1984

(13.1) COMMENT: Ferry operation during construction.

RESPONSE: See Chapter IV: Water-Related Activities which describes the proposed on-site relocation plan for ferry operations during project construction.

(13.2) COMMENT: Operation and management plans.

RESPONSE: As discussed in more detail in Chapter IV: Water-Related Activities and Comments 3.7 and 12.7, the proponent is planning to establish a maritime facilities manager who would oversee management and maintenance of the ferry terminal. This would entail general upkeep, security, trash removal, the overseeing of dock repairs, capital budgeting, and coordination of maritime facilities.

(13.3) COMMENT: Lower-build alternative.

RESPONSE: As detailed in the response to Comment 3.10, the Secretary of Environmental Affairs did not require another alternative in the Certificate of Adequacy for the Draft EIR (see Letter 1).

(13.4) COMMENT: Coordination with Department of Environmental Management (DEM).

RESPONSE: The project proponent has discussed the proposed ferry terminal with DEM and will continue to coordinate its efforts on Rowes Wharf with DEM plans for Long Wharf. The proponent has also kept updated on Long Wharf's progress through the weekly Water Transportation Task Force meetings which are attended by representatives of the proponent and of DEM.

ANTHONY D. CORTESE, Sc.D.
Commissioner
727-5194

The Commonwealth of Massachusetts
Department of Environmental Quality Engineering
Metropolitan Boston - Northeast Region
323 New Boston Street, Woburn, MA 01801

RECEIVED
MAY 15 1984
OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

M E M O R A N D U M

TO: James S. Hoyte, Secretary
Executive Office of Environmental Affairs

ATTN: Jackie Wilkins

FROM: Michael J. Maher, Section Chief MJM for HOB

DATE: May 10, 1984

SUBJECT: Rowes Wharf Draft EIR, Boston, MA

REFERENCE: EOEA #4992

This office has completed its review of the above referenced project. Our review indicates discrepancies between the traffic data used in the air analysis and that presented in the Traffic Appendix (see attachments). This should be corrected in the final. 1

The CO value recorded at Receptor 3 is misleading. The value represents contributions from the Atlantic Avenue/Surface Artery intersection only. The Atlantic Avenue free-flow contribution although it directly impacts the receptor are not included as part of the initial analysis, but are included in the background value. Given the wind direction used in the analysis, the Atlantic Avenue free-flow contribution should have been included in the initial analysis since, it directly impacts the receptor. It should not be included simply as part of the background contribution. This should be corrected in the final report. 2

Should you have questions concerning these comments, please contact Heidi O'Brien (292-5623).

MM/HOB/ch

Attachment

Figure 5

Receptor Location No. 3
Surface Artery / Atlantic Avenue

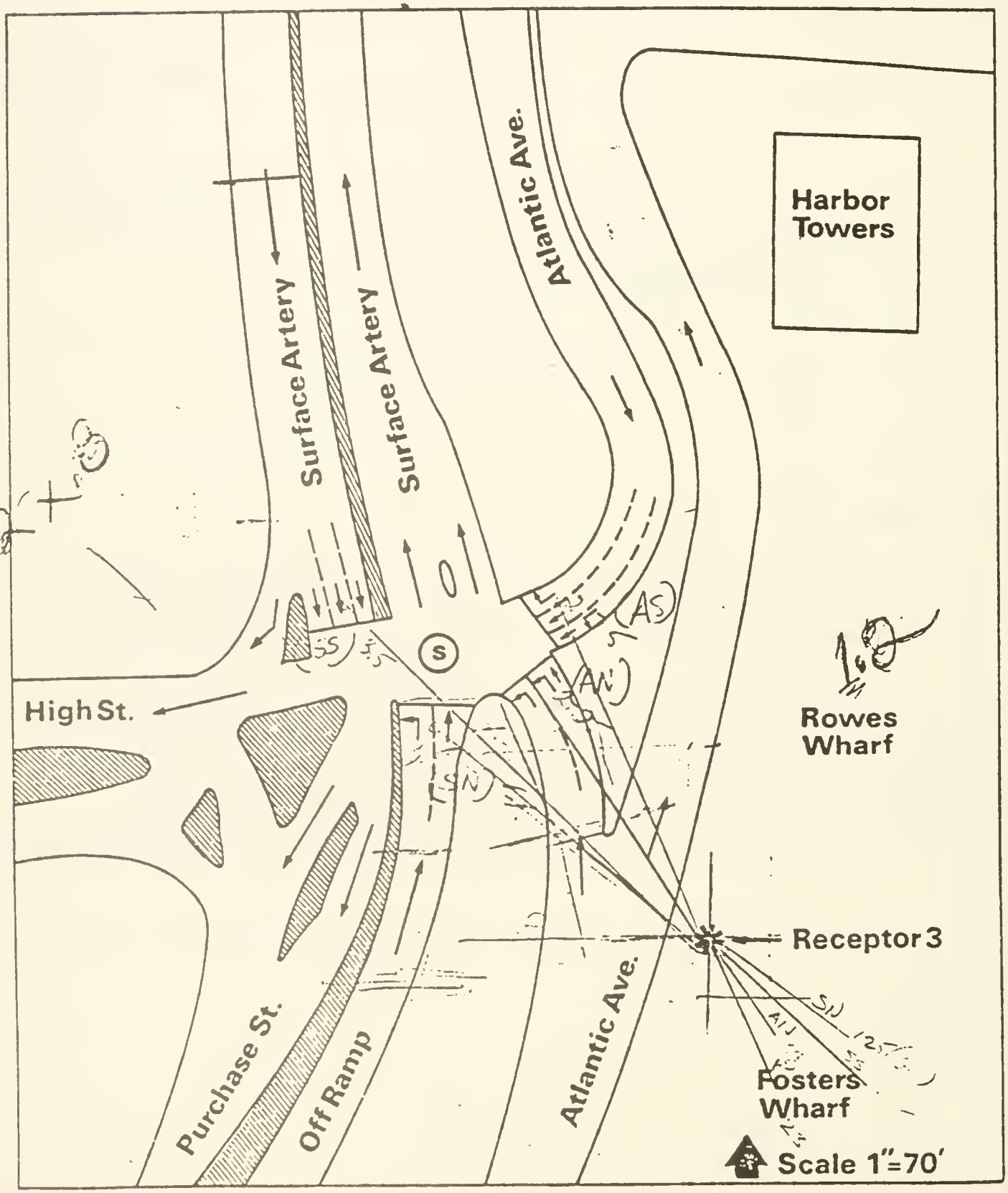


Figure IV-3

Base P.M. Peak-Hour Volumes

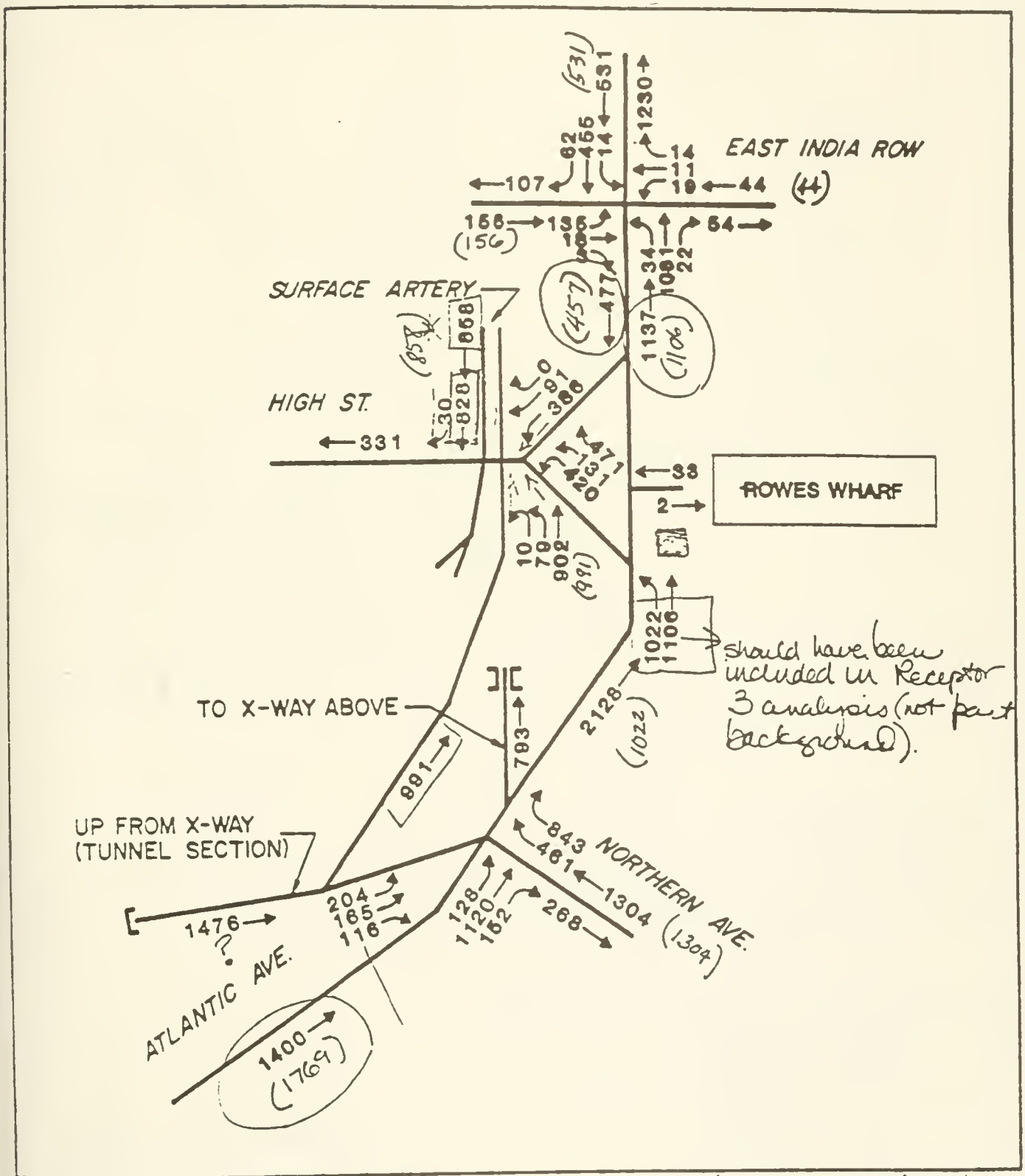
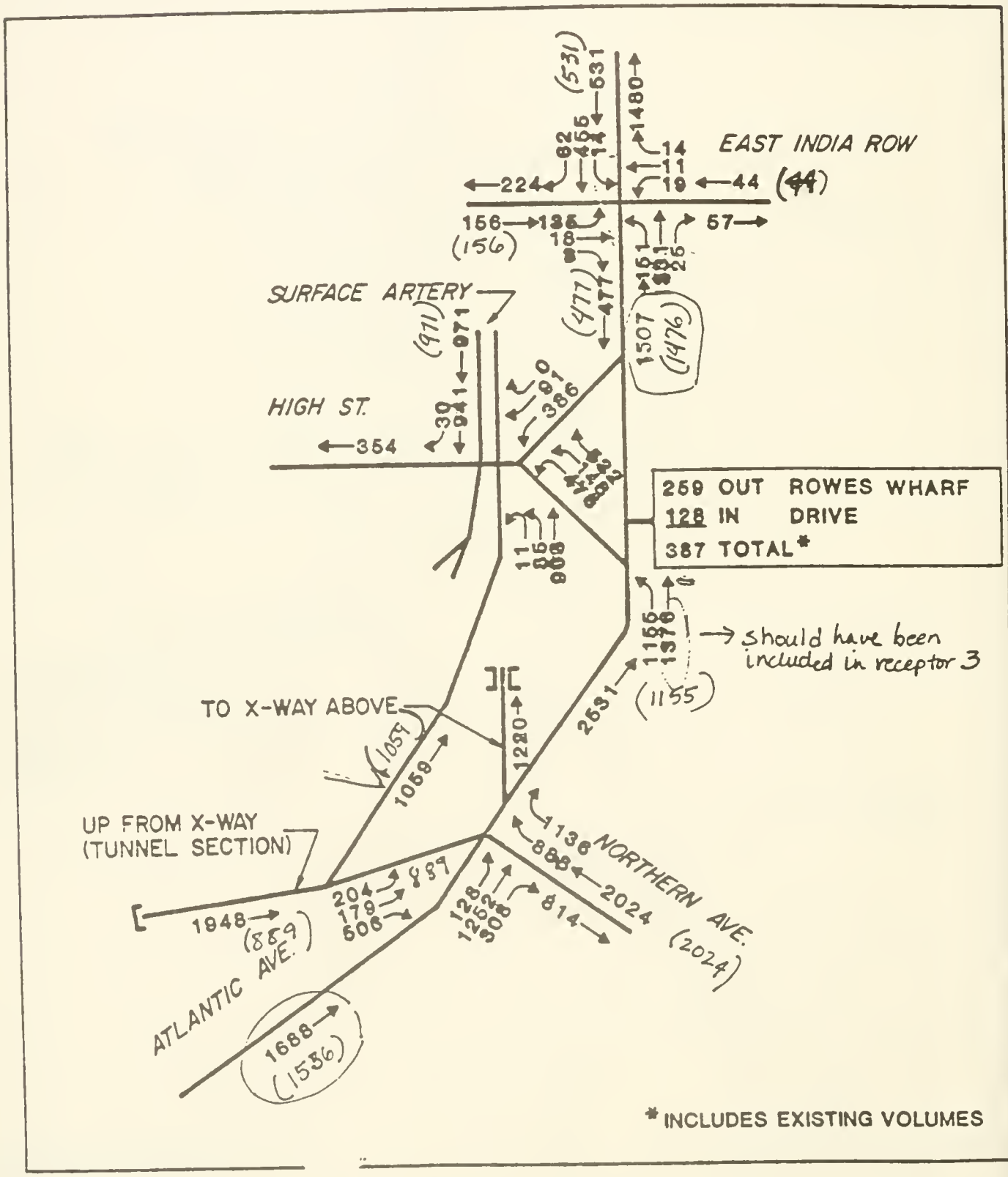


Figure IV-8

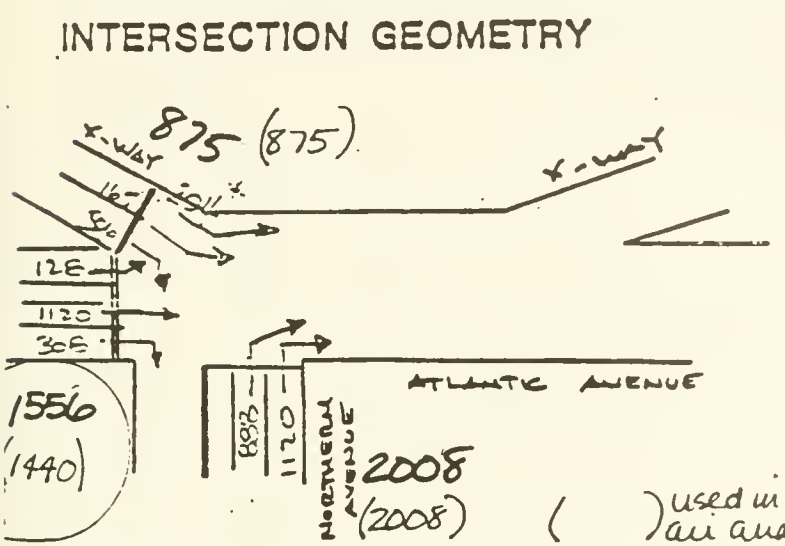
1987 Build P.M. Peak-Hour Volumes



Vanasse / Hangen Engineering, Inc.
Consulting Engineers & Planners
184 High Street, Boston, Massachusetts 02110
617/482-1870

INTERSECTION ATLANTIC AVE. AT NORTHERN AVE & XWAY
ALT. NO BUILD YEAR 1957 PERIOD PM PEAK
CALCULATED BY D.J.D. DATE 5/21/84 SHEET 5 OF 18
CHECKED BY _____ DATE _____ JOB NO. 3751

INTERSECTION GEOMETRY



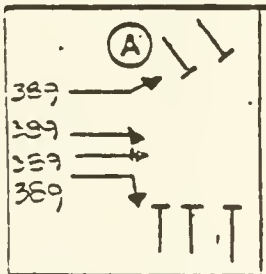
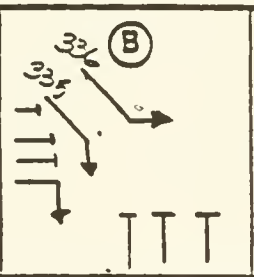
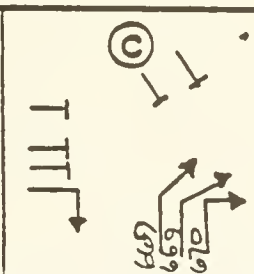
Indicate North

( ) used in performing the all analyses?

Left Turn Check

	Approach 1	2	3
a. Number of change intervals per hour			
b. Left turn capacity on change interval, in vph			
c. G/C Ratio			
d. Opposing volume in vph			
e. Left turn capacity on green, in vph			
f. Left turn capacity in vph (b + e)			
g. Left turn volume in vph			
h. Is volume > capacity (g > f)?			

PHASING

A	B	C	D	E
				
CLV= 389	CLV= 336	CLV= 670	CLV=	CLV=

*. This "short cutting" volume would not be facilitated on the surface road and would necessarily stay on the expressway.

Σ CLV 1395
V/C 0.98
LOS E

CRITERIA (vph)		2 B	3 B	4 B
LOS	A	900	855	825
	B	1050	1000	965
	C	1200	1140	1100
	D	1350	1275	1225
	E	1500	1425	1375

EPA VOLUME 9 (REVISED) INDIRECT SOURCE GUIDELINE MODEL - WORKSHEET #2

INTERSECTION: SURFACE ARTERY AND ATLANTIC AVENUE
CASE # 1 YEAR: 1984 AVERAGING TIME: 1-HOUR

LINE 1	ROAD SEGMENT ID	SN	AN	AS	SS
LINE 2	DEMAND VOLUME (VPH)	991.	1022.	457.	858.
LINE 4	CRUISE SPEED (MPH)	28	26	22	24
LINE 5	FREE-FLOW EMISSIONS (G-VEH/M)	0.0385	0.0417	0.0489	0.0452
LINE 6.1	NUMBER OF LANES	2	2	3	3
LINE 6.2	CAPACITY SERVICE VOLUME (VPH OF GREEN)	3500.	1750.	3800.	3200.
LINE 6.3	CAPACITY SERVICE VOLUME (VPH OF GREEN)	3200.	3500.	0.	4800.
LINE 6.4	DEMAND VOLUME (VPH)	213.	358.	457.	30.
LINE 6.4	DEMAND VOLUME (VPH)	778.	664.	0.	828.
LINE 6.5	SIGNAL CYCLE LENGTH (S)	100.			
LINE 6.6	GREEN PHASE LENGTH (S)	12.	58.	18.	100.
LINE 6.6	GREEN PHASE LENGTH (S)	46.	24	0.	46.
LINE 6.7	CAPACITY (VPH)	1892.	1855.	684.	5408.
LINE 6.8	PROPORTION OF VEHICLES THAT STOP	0.937	0.528	0.932	0.0
LINE 6.8	PROPORTION OF VEHICLES THAT STOP	0.713	0.930	0.0	0.653
LINE 6.9	NUMBER OF VEHICLES THAT STOP PER CYCLE	5.544	5.251	11.832	0.0
LINE 6.9	NUMBER OF VEHICLES THAT STOP PER CYCLE	15.419	17.300	0.0	15.009
LINE 7.0	AVERAGE NUMBER OF VEHICLES IN QUEUE	1.10	1.23	2.01	0.19
LINE 8.0	LENGTH OF QUEUE (M/LANE)	47.99	51.72	20.08	22.04
LINE 9.0	AVERAGE EXCESS RUNNING TIME (S/VEH)	26.08	29.42	48.81	17.10
LINE 10	EMISSIONS FROM ACCELERATION (G/VEH-M)	0.103	0.109	0.120	0.113
LINE 11.	EMISSIONS FROM DECELERATION (G/VEH-M)	0.034	0.036	0.041	0.039
LINE 12.	EMISSION RATE FOR ACC. AND DEC. (G/M-S)	0.029	0.033	0.019	0.023
LINE 13.	LENGTH OF ACC. AND DEC. (M)	70.1	60.4	43.3	51.5
LINE 14	LENGTH FOR EXCESS EMISSIONS (M)	140.2	120.9	86.5	103.0
LINE 15.	IDLING EMISSION RATE (G/S)	1.432	1.747	1.432	0.746
LINE 16.	AVERAGE EMISSION RATE (G/S-M)	0.0246	0.0308	0.0261	0.0187
LINE 17.	ADJUSTED EXCESS EMISSION RATE (G/S-M)	0.0300	0.0383	0.0346	0.0221
LINE 18.	FREE-FLOW EMISSION RATE (G/S-M)	0.0106	0.0118	0.0062	0.0108

EPA VOLUME 9 (REVISED) INDIRECT SOURCE GUIDELINE MODEL - WORKSHEET #2

INTERSECTION: EAST INDIA STREET AND ATLANTIC AVENUE
CASE # 3 YEAR: 1987 AVERAGING TIME: 1-HOUR

		AM	EW	AS	EB
LINE 1	ROAD SEGMENT ID				
LINE 2	DEMAND VOLUME (VPH)	(1500) 1476.	44.	531.	156.
LINE 4	CRUISE SPEED (MPH)	29	15	26	17
LINE 5	FREE-FLOW EMISSIONS (G-VEH/M)	0.0308	0.0410	0.0263	0.0375
LINE G 1	NUMBER OF LANES	3	2	3	3
LINE G.3	CAPACITY SERVICE VOLUME (VPH OF GREEN)	1800.	2700.	1800.	4100.
LINE G.3	CAPACITY SERVICE VOLUME (VPH OF GREEN)	2700.	0.	2600.	0.
LINE G.4	DEMAND VOLUME (VPH)	151.	44.	14.	156.
LINE G.4	DEMAND VOLUME (VPH)	1325.	0.	517.	0.
LINE G.5	SIGNAL CYCLE LENGTH (S)	100			
LINE G.6	GREEN PHASE LENGTH (S)	22.	20.	22.	20.
LINE G.6	GREEN PHASE LENGTH (S)	58.	0.	58.	0.
LINE G.7	CAPACITY (VPH)	1962.	540.	1904.	820.
LINE G.8	PROPORTION OF VEHICLES THAT STOP	0.851	0.813	0.786	0.832
LINE G.8	PROPORTION OF VEHICLES THAT STOP	0.825	0.0	0.524	0.0
LINE G.9	NUMBER OF VEHICLES THAT STOP PER CYCLE	3.571	0.994	0.306	3.604
LINE G.9	NUMBER OF VEHICLES THAT STOP PER CYCLE	30.355	0.0	7.529	0.0
LINE 7.0	AVERAGE NUMBER OF VEHICLES IN QUEUE	3.04	0.09	0.39	0.23
LINE 8.0	LENGTH OF QUEUE (M/LANE)	53.60	2.35	11.92	5.57
LINE 9.0	AVERAGE EXCESS RUNNING TIME (S/VEH)	24.52	33.12	12.26	34.30
LINE 10.	EMISSIONS FROM ACCELERATION (G/VEH-M)	0.120	0.165	0.109	0.150
LINE 11.	EMISSIONS FROM DECELERATION (G/VEH-M)	0.041	0.061	0.036	0.055
LINE 12.	EMISSION RATE FOR ACC. AND DEC. (G/M-S)	0.055	0.002	0.011	0.007
LINE 13.	LENGTH OF ACC. AND DEC. (M)	43.3	20.1	60.4	25.8
LINE 14.	LENGTH FOR EXCESS EMISSIONS (M)	86.5	40.2	120.9	51.7
LINE 15.	IDLING EMISSION RATE (G/S)	2.095	0.094	0.264	0.340
LINE 16.	AVERAGE EMISSION RATE (G/S-M)	0.0515	0.0034	0.0079	0.0103
LINE 17.	ADJUSTED EXCESS EMISSION RATE (G/S-M)	0.0375	0.0028	0.0053	0.0082
LINE 18	FREE-FLOW EMISSION RATE (G/S-M)	0.0126	0.0005	0.0039	0.0016

EPA VOLUME 9 (REVISED) INDIRECT SOURCE GUIDELINE MODEL - WORKSHEET #2

INTERSECTION: EAST INDIA STREET AND ATLANTIC AVENUE
CASE # 1 YEAR: 1984 AVERAGING TIME: 1-HOUR

		AN	EW	AS	EE
LINE 1	ROAD SEGMENT ID				
LINE 2	DEMAND VOLUME (VPH)	(1137) 1106.	44.	531.	156.
LINE 4	CRUISE SPEED (MPH)	22	15	26	17
LINE 5	FREE-FLOW EMISSIONS (G-VEH/M)	0.0489	0.0661	0.0417	0.0601
LINE 6.1	NUMBER OF LANES	3	2	3	3
LINE 6.3	CAPACITY SERVICE VOLUME (VPH OF GREEN)	1800.	2700.	1800.	4100.
LINE 6.3	CAPACITY SERVICE VOLUME (VPH OF GREEN)	2700.	0.	2600.	0.
LINE 6.4	DEMAND VOLUME (VPH)	34.	44.	14.	156.
LINE 6.4	DEMAND VOLUME (VPH)	1072.	0.	517.	0.
LINE 6.5	SIGNAL CYCLE LENGTH (S)	100.			
LINE 6.6	GREEN PHASE LENGTH (S)	22.	20.	22.	20.
LINE 6.6	GREEN PHASE LENGTH (S)	58.	0.	58.	0.
LINE 6.7	CAPACITY (VPH)	1962.	540.	1904.	820.
LINE 6.8	PROPORTION OF VEHICLES THAT STOP	0.795	0.813	0.786	0.832
LINE 6.8	PROPORTION OF VEHICLES THAT STOP	0.697	0.0	0.524	0.0
LINE 6.9	NUMBER OF VEHICLES THAT STOP PER CYCLE	0.751	0.994	0.306	3.604
LINE 6.9	NUMBER OF VEHICLES THAT STOP PER CYCLE	20.742	0.0	7.529	0.0
LINE 7.0	AVERAGE NUMBER OF VEHICLES IN QUEUE	1.29	0.09	0.39	0.23
LINE 8.0	LENGTH OF QUEUE (M/LANE)	33.04	2.35	11.92	5.57
LINE 9.0	AVERAGE EXCESS RUNNING TIME (S/VEH)	17.50	33.12	12.26	34.30
LINE 10.	EMISSIONS FROM ACCELERATION (G/VEH-M)	0.120	0.165	0.109	0.150
LINE 11.	EMISSIONS FROM DECELERATION (G/VEH-M)	0.041	0.061	0.036	0.055
LINE 12.	EMISSION RATE FOR ACC. AND DEC. (G/M-S)	0.035	0.002	0.011	0.007
LINE 13.	LENGTH OF ACC. AND DEC. (M)	43.3	20.1	60.4	25.8
LINE 14	LENGTH FOR EXCESS EMISSIONS (M)	86.5	40.2	120.9	51.7
LINE 15	IDLING EMISSION RATE (G/S)	1.022	0.094	0.264	0.340
LINE 16.	AVERAGE EMISSION RATE (G/S-M)	0.0291	0.0034	0.0079	0.0103
LINE 17.	ADJUSTED EXCESS EMISSION RATE (G/S-M)	0.0346	0.0047	0.0089	0.0138
LINE 18.	FREE-FLOW EMISSION RATE (G/S-M)	0.0150	0.0008	0.0062	0.0026

EPA VOLUME 9 (REVISED) INDIRECT SOURCE GUIDELINE MODEL - WORKSHEET #2

INTERSECTION: NORTHERN AVENUE AND ATLANTIC AVENUE
CASE # 3 YEAR: 1987 AVERAGING TIME: 1-HOUR

		AN	NW	RE
LINE 1	ROAD SEGMENT ID			
LINE 2	DEMAND VOLUME (VPH)	1536	2024.	889
LINE 4	CRUISE SPEED (MPH)	24	21	24
LINE 5	FREE-FLOW EMISSIONS (G-VEH/M)	0.0285	0.0320	0.0285
LINE 6.1	NUMBER OF LANES	4	3	2
LINE 6.3	CAPACITY SERVICE VOLUME (VPH OF GREEN)	4800.	5800.	5400.
LINE 6.3	CAPACITY SERVICE VOLUME (VPH OF GREEN)	1000.	0.	0.
LINE 6.4	DEMAND VOLUME (VPH)	1344.	2024.	889.
LINE 6.4	DEMAND VOLUME (VPH)	192.	0.	0.
LINE 6.5	SIGNAL CYCLE LENGTH (S)	90.		
LINE 6.6	GREEN PHASE LENGTH (S)	30.	35.	25.
LINE 6.6	GREEN PHASE LENGTH (S)	90.	0.	0.
LINE 6.7	CAPACITY (VPH)	2600.	2256.	1500.
LINE 6.8	PROPORTION OF VEHICLES THAT STOP	0.926	0.939	0.865
LINE 6.8	PROPORTION OF VEHICLES THAT STOP	0.0	0.0	0.0
LINE 6.9	NUMBER OF VEHICLES THAT STOP PER CYCLE	31.111	47.497	19.215
LINE 6.9	NUMBER OF VEHICLES THAT STOP PER CYCLE	0.0	0.0	0.0
LINE 7.0	AVERAGE NUMBER OF VEHICLES IN QUEUE	1.44	8.74	1.45
LINE 8.0	LENGTH OF QUEUE (M/LANE)	35.40	81.54	44.96
LINE 9.0	AVERAGE EXCESS RUNNING TIME (S/VEH)	26.30	39.76	31.59
LINE 10	EMISSIONS FROM ACCELERATION (G/VEH-M)	0.113	0.125	0.113
LINE 11.	EMISSIONS FROM DECELERATION (G/VEH-M)	0.039	0.044	0.039
LINE 12.	EMISSION RATE FOR ACC. AND DEC. (G/M-S)	0.053	0.089	0.032
LINE 13.	LENGTH OF ACC. AND DEC. (M)	51.5	39.4	51.5
LINE 14.	LENGTH FOR EXCESS EMISSIONS (M)	103.0	81.5	103.0
LINE 15.	IDLING EMISSION RATE (G/S)	2.331	5.079	1.680
LINE 16.	AVERAGE EMISSION RATE (G/S-M)	0.0489	0.1054	0.0325
LINE 17.	ADJUSTED EXCESS EMISSION RATE (G/S-M)	0.0356	0.0811	0.0242
LINE 18	FREE-FLOW EMISSION RATE (G/S-M)	0.0122	0.0180	0.0070

EPA VOLUME 9 (REVISED) INDIRECT SOURCE GUIDELINE MODEL - WORKSHEET #2

INTERSECTION: NORTHERN AVENUE AND ATLANTIC AVENUE
CASE # 1 YEAR: 1984 AVERAGING TIME: 1-HOUR

		AN	NW
LINE 1	ROAD SEGMENT ID		
LINE 2	DEMAND VOLUME (VPH) (1400) ?	(1769.)	1304.
LINE 4	CRUISE SPEED (MPH)	24	21
LINE 5	FREE-FLOW EMISSIONS (G-VEH/M)	0.0452	0.0509
LINE 6.1	NUMBER OF LANES	3	4
LINE 6.3	CAPACITY SERVICE VOLUME (VPH OF GREEN)	0.	0.
LINE 6.4	DEMAND VOLUME (VPH)	0.	0.
LINE 6.5	SIGNAL CYCLE LENGTH (S)	0.	
LINE 6.6	GREEN PHASE LENGTH (S)	0.	0.
LINE 6.7	CAPACITY (VPH)	0.	2272.
LINE 6.8	PROPORTION OF VEHICLES THAT STOP	0.0	0.0
LINE 6.9	NUMBER OF VEHICLES THAT STOP PER CYCLE	0.0	0.0
LINE 7.0	AVERAGE NUMBER OF VEHICLES IN QUEUE	0.0	1.35
LINE 8.0	LENGTH OF QUEUE (M/LANE)	0.0	1.46
LINE 9.0	AVERAGE EXCESS RUNNING TIME (S/VEH)	0.0	2.13
LINE 10.	EMISSIONS FROM ACCELERATION (G/VEH-M)	0.0	0.125
LINE 11.	EMISSIONS FROM DECELERATION (G/VEH-M)	0.0	0.044
LINE 12.	EMISSION RATE FOR ACC. AND DEC. (G/M-S)	0.0	0.061
LINE 13.	LENGTH OF ACC. AND DEC. (M)	0.0	39.4
LINE 14.	LENGTH FOR EXCESS EMISSIONS (M)	0.0	78.9
LINE 15.	IDLING EMISSION RATE (G/S)	0.0	-0.190
LINE 16.	AVERAGE EMISSION RATE (G/S-M)	0.0	0.0282
LINE 17.	ADJUSTED EXCESS EMISSION RATE (G/S-M)	0.0	0.0253
LINE 18.	FREE-FLOW EMISSION RATE (G/S-M)	0.0222	0.0184

LETTER 14

Commonwealth of Massachusetts, Executive Office of Environmental Affairs
Department of Environmental Quality Engineering, Division of Air Quality Control
May 10, 1984

(14.1) COMMENT: Traffic data in air analysis and in Traffic Appendix.

RESPONSE: The air analysis has been revised in response to this comment. Changes have been incorporated into Chapter IV: Air Quality and into the technical data presented in Appendix 3.

(14.2) COMMENT: Atlantic Avenue free-flow contribution.

RESPONSE: The free-flow contribution has been included in the analysis as requested. This change is reflected in Chapter IV: Air Quality and Appendix 3.

ANTHONY D. CORTESE, Sc. D.
Commissioner

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Quality Engineering
Division of Water Pollution Control
1 - 11 Winter Street, Boston 02110

RECEIVED
MAY 9 1984
OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

May 7, 1984

James S. Hoyte, Secretary
Executive Office of Environmental
Affairs
100 Cambridge Street
Boston, Massachusetts 02202

Re: EOEA #4992
Rowes Wharf
DEIR

Attention: Samuel Mygatt, MEPA Unit

Dear Mr. Mygatt:

As a result of our review of the DEIR for the referenced project, the following comments are offered (see attachment).

Any questions should be directed to Judy Perdue of my staff at 292-5655.

Very truly yours,

Thomas C. McMahon

Thomas C. McMahon
Director

TCM/JP/wp
Attachment

DWPC Comments on EOEA #4992, Rowes Wharf

Many of the construction operations proposed will have a potential for adversely affecting water quality in the project area. In most cases appropriate mitigating measures have been proposed, such as using a surface boom around the area during removal of the existing decking and piles, and dewatering of the excavated area into a portion of the harbor enclosed by a silt curtain.

There is one construction operation not discussed separately. How will the removal of historic fill lying between the present sea wall and the new sea wall be accomplished? Will measures be taken to keep water out until the area is fully excavated? 1

In general, those construction steps having water quality impacts should be listed (and described) in the Final EIR and the duration of each step should be indicated. Also, the expected location of dewatering discharges and silt curtains should be shown or indicated. 2

The assertion (p.5,p.112) that project sediments to be dredged are less contaminated than adjacent Ft. Point Channel sediments is true only with respect to some of the contaminants. Arsenic and cadmium are considerably higher in the project sediments, oil and grease and % volatile solids are higher, copper, chromium and nickel are about the same, and only lead, mercury and zinc are significantly lower than adjacent Ft. Point sediments. 3

Clamshell dredging is planned. The assertion that this method minimizes turbidity is true only with respect to the ocean disposal site. Dumping of barge loads of more or less drained mud will certainly create less turbidity in the open ocean than dumping the slurry obtained with hydraulic dredging. However, dredging 95% fine sediments by clamshell will create considerable turbidity in the project area. 4

Can this be minimized by specifying a bucket dredge which closes tightly? The alternative is to deal with turbidity curtain fences or enclosures around work areas.

LETTER 15

Commonwealth of Massachusetts, Executive Office of Environmental Affairs
Department of Environmental Quality Engineering, Division of Water Pollution Control
May 7, 1984

(15.1) COMMENT: Removal of fill between present and new sea wall.

RESPONSE: Within those areas (a total of 0.24 acres) where the new bulkhead is landward of the old seawall, the excess existing fill will be removed by backhoe from the landward side, and transported for disposal with the bulk of the upland excavate. No measures, such as placement of a coffer dam, are proposed as installation and removal of such a structure would entail more activity in water than excavation of the old upland areas. While the extent of this activity is limited, the use of silt curtains as appropriate will be considered.

(15.2) COMMENT: Construction steps having water quality impacts, and expected location of dewatering discharges and silt curtains.

RESPONSE: Chapter IV: Water Quality, Dredging, and Filling has been revised to more clearly describe the construction steps having water quality impacts. The location of dewatering discharges is identified in the Figure accompanying Response 12.12. Silt curtains will enclose the entire dredge area shown in Chapter IV, Figure IV-49.

(15.3) COMMENT: Contamination level of project sediments.

RESPONSE: The comparison of the quality of Rowes Wharf marine sediments to the quality of sediments found in the Fort Point Channel is noted.

Since completion of the Draft EIR, bioassay and bioaccumulation analyses have been performed on the Rowes Wharf sediments, and findings indicate that the material is acceptable for disposal at the Massachusetts Bay Foul Area, as are the Fort Point Channel sediments. The full bioassay/bioaccumulation report is included as Appendix 7 and discussed in Chapter IV: Water Quality.

(15.4) COMMENT: Clamshell dredging impact on turbidity and mitigation measures.

RESPONSE: Dredging will be performed using a clamshell bucket within an area completely enclosed by suspended silt curtains. In addition, the proponent will monitor turbidity levels during the dredging operation.

The adverse environmental impacts associated with ocean disposal of hydraulic dredge slurry do not warrant consideration of this method for the limited extent of the dredging proposed for this project.

S.O.M.
MAY 17 1984
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ROWES WHARF Draft EIR 4992
==========

Comments by Steve Kaiser, MEPA May 14, 1984.

The analysis is composed of several parts : trip generation, capacity analysis, and parking supply. The trip generation section warrants a more thorough assessment of taxi operations. Because 55% of the Hotel guests will be arriving by taxi, consideration needs to be given for the number of empty cabs leaving or departing the area, as well as the occupancy rate of cabs when carrying fares. The DEIR uses a blanket rate of vehicle occupancy of 1.33, based on the general Boston cordon count. Typically taxis have an occupancy rate of 0.6 passengers on the average, but this figure may be higher for hotel-to-airport trips. Counterbalancing this effect will be increased employee usage of transit, rather than the 80% auto figure used in the EIR. 1

The trip generation figures appear reasonable, if there is minimal congestion and transit access is adequate. What are the total non-auto trip totals, for transit and walk-in users? What percentage of transit users will come by the Blue Line and what is the anticipated utilization of the other lines? What is the ability of the transit system to absorb additional passengers during the peak hours?

The major problem of access would appear to be in the evening for traffic to and from the North and Northwest (I-93/Storrow Drive/Tobin Bridge/Tunnels), when there is major congestion around the tunnel entrance. What routes would be used and what are the major congestion points on them? 2

Within the range of intersections studied, it is evident that there is minimal impact on the immediate area of the underartery during peak hours. Problems here are encountered primarily with parked vehicles and pedestrians. What allowances have been made in the analysis for pedestrian flows, particularly for new arrivals at Rowe's wharf? How will pedestrians deal with the awkward crossing of the existing under-artery? 3

The Northern Avenue/Atlantic Avenue intersection is analyzed in such a manner as to make it appear better than it currently functions, particularly in the afternoon peak hour. With anticipated 1987 traffic growth in the area, the on-ramp to the artery will be even more severely congested than it is today, and will probably back down into the intersection. The 204 "short-cutting" vehicles which now use the intersection to outflank expressway congestion may indeed "remain on the expressway" but will still have an impact on the Artery merge with the Northern Avenue on-ramp, thereby causing more ramp backups into the intersection. The impacts of the Rowes Wharf project are about 3% at this location, which although relatively small compared to the total problem still represents an incremental impact on a likely severe congestion problem at Northern Avenue. 4

The Final EIR should seek to define the existing and future congestion levels at all intersections in the study area. The tunnel entrance area is an important bottleneck, but by inadvertent omission appears to have been left out of the original study area. The proponent should at least acknowledge the existence of the problem, if not providing full analysis. 5

A total of 700 parking spaces are proposed, compared with 158 existing spaces. Trip generation from these 700 spaces would be about 2100 ADT, out of a 3,340 ADT total for the overall project. Is there sufficient parking for the marine purposes, andwhat public access provisions are being made? How will commuter boats be accomodated, including provisions for bus (double-decker?) and pedestrians through the site? 6

LETTER 16

Commonwealth of Massachusetts, Executive Office of Environmental Affairs
Massachusetts Environmental Protection Agency
May 14, 1984

(16.1) COMMENT: Assessment of taxi operations; total non-auto trips for transit and walk-in users, transit users by Blue Line and other lines, and transit system peak-hour capacity.

RESPONSE: The traffic data base has been supplemented in the Final EIR by a series of traffic and pedestrian observations at the nearby Hotel Meridien to determine typical travel characteristics of a downtown hotel.

Taxi Operations. The survey of the Meridien revealed that the majority of people entering the hotel (91 percent) were pedestrians, and only 9 percent arrived at the site by auto or taxi. An explanation for this modal distribution could be that some pedestrians may have driven to another downtown location and walked to the hotel from their parking location or that many hotel patrons are not visiting the hotel as their primary trip but as part of their daily activities. It is highly likely that this pattern will be quite similar at the Rowes Wharf project's proposed hotel. At the Meridien, only 50 vehicles required parking during the course of a day in the survey period, with an estimated 20 to 30 spaces occupied at any one time.

Regarding taxi patterns, observations indicated an average of 1.5 passengers per vehicle for arrivals or departures. Typically, taxis arrive at the hotel, discharge their passengers, and leave. Similarly, when called to pick up a passenger, a taxi arrives empty and departs with the passenger(s). The net result is two taxi trips per pickup or discharge. The Boston cordon count vehicle occupancy rate of 1.33 was used in the initial analysis as one of the factors on which the hotel generation was estimated. The revised traffic generation for this component utilized the actual observed arrival rates.

Revised Trip Generation. The initial assumption in the Draft EIR was that the project would have 700 parking spaces. More recent efforts have led to a project design with a total supply of 575 spaces, resulting in a net reduction of 125 spaces from that considered in the Draft report. The table on the following page summarizes the current proposal and the magnitude of change which has occurred.

Parking Supply Summary

	DEIR Assumptions	Current Proposal	Change
Residential	150	170	+20
Office/Hotel	250	180	-70
Public	300	225	-75
Total	700	575	-125 (net)

The revised trip generation analysis, based on the Meridien survey results and the reduction in parking supply, is summarized in the table on the following page. Specific calculations and assumptions appear in Appendix 2. The major changes are the reduction in public parking spaces by 75 and the number of spaces for office/hotel use by 70.

The results indicate a 17 percent reduction in daily project-generated traffic. The initial analysis had estimated 3,340 daily vehicle trips while the new analysis presents an estimate of 2,780 new daily vehicle trips. Similarly, peak-hour generation would be 254 to 297 vehicle trips, also considerably reduced from the previous analysis.

This reduction in project traffic generation will occur for several reasons:

- The reduction of 75 public spaces will eliminate any traffic associated with those spaces.
- The reduction will force a shift of more hotel/office trips to transit. For example, based on the supply of parking for office uses, it is estimated that 35 percent of the trips will be via automobile rather than the 40 percent estimated in the Draft EIR.
- Based on recent local data collected at the Meridien, the expected traffic generation of the project's hotel component will be lower than that stated in the Draft EIR.

NEW VEHICLE TRIP GENERATION SUMMARY
(REVISED ANALYSIS PREPARED FOR FINAL EIR)

	Hotel	Office	Residential	Restaurant	Marina	Public Parking	Total
Daily	980	610	510	620	60	0	2,780
AM Peak							
In	52	107	14	---	12	0	185
Out	27	11	25	---	6	0	69
Total	79	118	39	---	18	0	254
PM Peak							
In	34	14	25	31	10	0	114
Out	35	99	25	19	5	0	183
Total	69	113	50	50	15	0	297

Transit Impact. Transit usage estimates (person trips) have been developed for each component of the project and are summarized below:

	Daily	AM Peak	PM Peak
Hotel	1,040	84	73
Office	1,910	230	220
Residential	290	22	28
Total	3,240	336	321

These estimates are primarily based on the specific travel characteristic assumptions specified in Appendix 2.

Of the total transit usage expected, the modal usage is summarized as follows:1/

	Percentage	Daily Trips by Mode
Subway	70%	2,270
Express Bus	23%	745
Commuter Rail	7%	225

The table below summarizes the estimated usage of each of the rapid transit lines.

Transit Line	Percentage	Number of Daily Riders	Approx. Numbe of Peak-Hour Riders
Red Line			
to/from southeast	23%	525	50
to/from northwest	10%	230	25
Orange Line			
to/from north	14%	315	30
to/from southwest	22%	500	50
Blue Line			
to/from northeast	14%	315	30
Green Line			
to/from west	17%	385	40
	100%	2,270	225

1/ Based on the 1982 Boston Cordon Count.

In response to the specific comment, the Blue Line would be expected to experience increases of approximately 315 daily and 30 peak-hour riders. An additional number of Orange Line patrons may also choose to board the subway (up to 80 persons during the peak hour) at the Blue Line Aquarium Station and transfer to other lines. These projected increases are relatively small and transit operations are not expected to change significantly with the Rowes Wharf project.

An analysis of future transit volume levels was made to compare the project's impact on the system (see the table on the following page). Future capacities of the MBTA subway lines were determined and future No-Build passenger flows were estimated. The incremental impacts of the project were determined, and volume/capacity ratios (v/c) calculated.

The results indicate the negligible impact of the project on the MBTA system. With the implementation of the planned improvements to the Orange and Red Lines, it appears that operations will be improved considerably. While the analysis shows that transit operations in the future will be improved, it is also true that riders on some lines (the Red and Green Lines in particular) currently do experience delays. Even with improvements, there will likely be periods where delays exist. Overall, however, the future transit system will be able to accommodate the increased activity created by the Rowes Wharf project.

(16.2) COMMENT: Access routes to north and northwest during period of peak tunnel congestion, and major congestion points.

RESPONSE: The typical route to the north or northwest from the Rowes Wharf site will be along the Surface Artery northbound, left onto Clinton Street, right onto North Street, and onto the northbound ramp of the Central Artery. This is identified as Route 1 in this analysis. Periods of extreme congestion at the tunnel entrances could force traffic onto alternative routes.

In response to this comment, four alternative routes which could be used in periods of peak congestion for access to the north and northwest, have been identified. Together with the typical route, these represent five routes from the site as follows: Routes 1 and 2 provide northern access, while Routes 3, 4, and

	Future Capacity Passengers Per Direction Per Hour[1]	Future Base Rider-ship Per Direction[2]	No Build V/C	Build Ridership With Rowes Wharf Peak Direction	Build V/C
Red Line					
North of S. Station	10,080	7,160	0.71	7,185	0.71
South of S. Station					
Braintree Branch	10,080	7,540	0.75	7,571	0.75
Ashmont Branch	10,080	4,460	0.44	4,489	0.45
Orange Line					
North of State St.	17,000	8,840	0.52	8,870	0.52
South of State St.	17,000	5,970	0.35	6,020	0.35
Blue Line	8,400	6,690	0.80	6,720	0.80
Green Line					
West of Arlington St.	11,115	8,950	0.81	8,990	0.81
North of Arlington St.	11,115	5,600	0.50	5,600	0.50

1/ Includes standees and implementation of Red Line and Orange Line capacity improvements.

2/ Does not include International Place. Further ridership determined on the basis of system growth rates.

5 provide access to the west of Boston via Storrow Drive. These routes are illustrated in the Figure on the following page and briefly described below.

To the North:

Route 1 -- This route will be used by vehicles heading north and northwest except under extreme conditions. Exit from the site and turn right onto the Surface Artery northbound, left onto Clinton Street, and right onto North Street. From North Street, turn left onto the northbound on-ramp to the Central Artery and proceed north to the Route 1/I-93 diverge.

Route 2 -- Exit from the site, continue along Atlantic Avenue/Commercial Street around the North End to Keany Square (North Washington Street/Commercial Street) and the Charlestown Bridge.

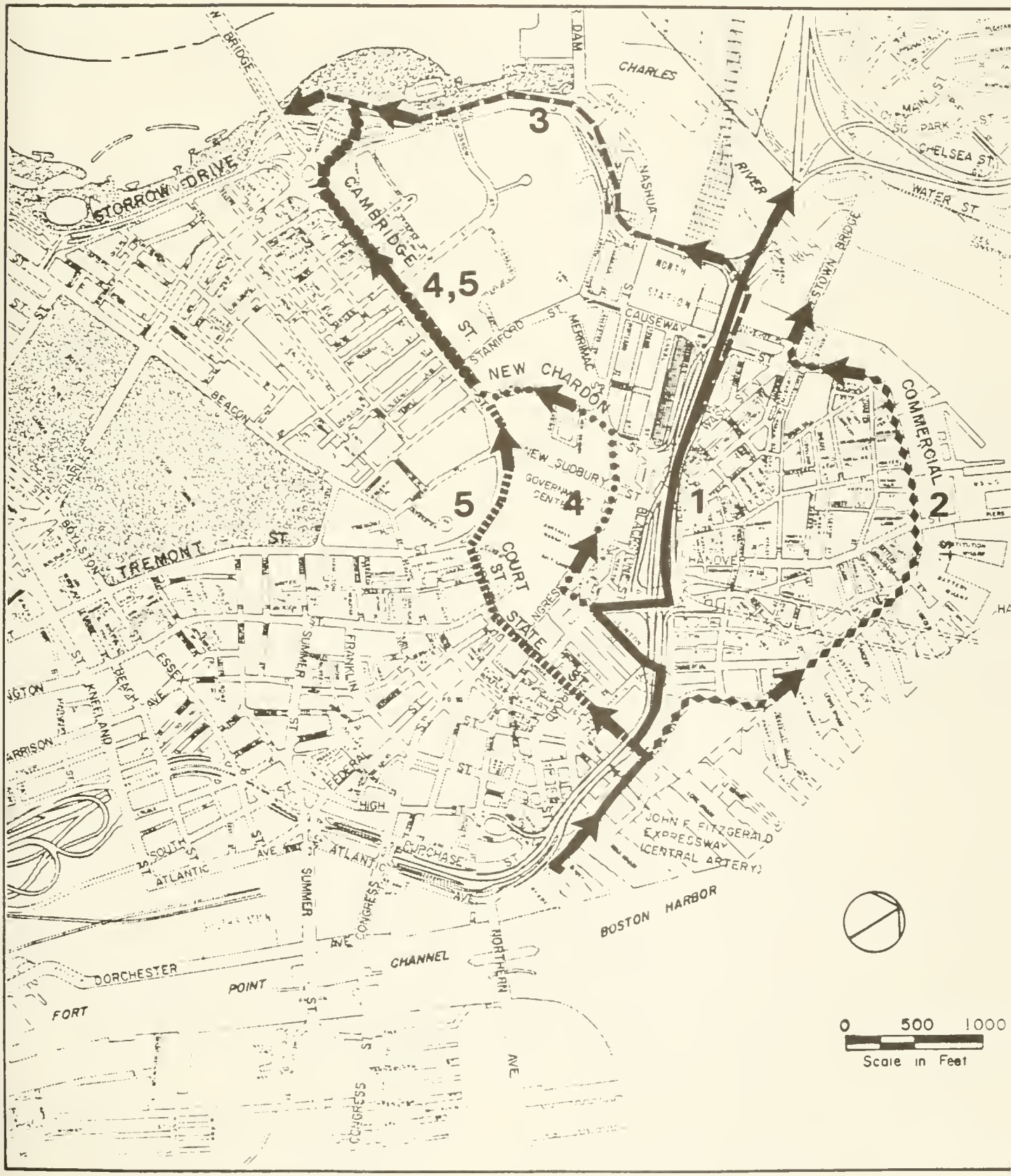
To the West:

Route 3 -- Same as Route 1, but exit from the Central Artery at the Storrow Drive exit ramp, pass under Leverett Circle to the Longfellow Bridge.

Route 4 -- Exit from the site, cross to Surface Artery, turn left onto Clinton Street. At North Street, turn left and then right at Congress Street. Follow Congress to New Chardon, turn left on New Chardon and then right onto Cambridge Street. Follow Cambridge Street to Charles Circle and the Storrow Drive westbound on-ramp to the Longfellow Bridge.

Route 5 -- Exit from the site, turn left onto State Street. Follow State Street to Court Street, then right onto Cambridge Street. Follow Cambridge Street to Charles Circle and the Storrow Drive westbound on-ramp to the Longfellow Bridge.

Alternate Travel Routes to the North and Northwest



Several travel time and delay runs were made on each route during the PM peak period in an attempt to identify travel times by route and major congestion points and delays. Observation results are summarized in the table on the following page and described below.

A comparison of Routes 1 and 2 shows Route 2 to be almost two minutes shorter for vehicles traveling north, despite the fact that the distances are similar. This can be attributed to Route 2 not having left-turn movements onto any side streets similar to the turn on Route 1 at Clinton Street. Also, Route 1 utilizes the Central Artery which is prone to congestion and delays, particularly on the entrance ramp from the Sumner Tunnel. The left turn from the Surface Artery to Clinton Street can also pose traffic problems when traffic queues arise from the congestion at the Callahan Tunnel entrance.

The use of Atlantic Avenue/Commercial Street by commuters does generate additional peak-hour traffic along that route, and there is considerable variation in daily travel times. From the Rowes Wharf site, it appears that in periods of high congestion this route may be the fastest way to exit to the north or northwest. This is due to the site's location just north of the Northern Avenue on-ramp to the Central Artery, and the presence of no convenient direct connection to the Artery. However, additional delays could be experienced in trying to rejoin the regional highway system.

A comparison of three alternate routes to the northwest shows Route 3 to be the longest distance yet the shortest in terms of travel time. Even with the congestion associated with the Central Artery, the time required to travel Route 3 is several minutes faster than either Routes 4 or 5, which utilize City streets. The major congestion points on Route 3 are the same as on Route 1; specifically, the left turn onto State Street and the Central Artery on-ramp at the Sumner Tunnel exit.

Based on this travel time information, it appears that drivers will most likely utilize the Surface Artery and the Central Artery or Atlantic Avenue/Commercial Street to travel to the north or northwest, as surface routes utilizing City streets would be considerably less desirable.

SUMMARY OF ALTERNATIVE TRAVEL ROUTES
TO NORTH AND NORTHWEST

Route #	Distance (Miles)	Average Trip Time	Average Travel Speed (MPH)	Average Stopped Time	Typical Congestion Points
To North:					
1	1.1	7 min. 23 sec.	10	2 min. 13 sec.	Left turn onto State Street; Central Artery on-ramp.
2	1.1	5 min. 28 sec.	12	1 min. 2 sec.	Signalized intersections.
To Northwest:					
3	2.0	9 min. 29 sec.	8	4 min. 21 sec.	Left turn onto State Street; Central Artery on-ramp.
4	1.4	14 min. 20 sec.	6	4 min. 25 sec.	Congress Street, Cambridge Street (due to signals, pedestrian interference, buses).
5	1.6	12 min. 28 sec.	8	3 min. 53 sec.	Signalized intersections.

(16.3) COMMENT: Pedestrian flows, especially under Artery.

RESPONSE: The pedestrian environment will be considerably enhanced on Atlantic Avenue as a result of this project. A generous sidewalk is planned along the entire frontage with only two curb openings, as compared to the four present today. A pedestrian drop-off area is also planned for the center of the site near the central arch.

One of the mitigation measures which has been identified is the installation of a pedestrian crossing signal on Atlantic Avenue at the north end of the project, adjacent to the site driveway. This signal would complete the link of protected pedestrian crossings between the east side of Atlantic Avenue and the west side of the Surface Artery. Currently, there is no protected crossing anywhere on Atlantic Avenue between the Sheraton Building (adjacent to Hook Lobster Company) and East India Row. See Chapter IV: Traffic and Parking for more details on this improvement.

(16.4) COMMENT: Northern Avenue/Atlantic Avenue intersection congestion.

RESPONSE: Future AM and PM peak-hour operations at the Atlantic Avenue/Northern Avenue intersection have been carefully considered in Chapter IV: Traffic and Parking of this EIR and in previous EIRs including the Commonwealth Pier 5 Redevelopment EIR (EOEA #4133) and the Building 114 at the Boston Army Base EIR (EOEA #4427). All analyses of future conditions assume the construction of a replacement for the Northern Avenue Bridge across Fort Point Channel, the use of a traffic signal for intersection control (the intersection is uncontrolled today), and a three-lane approach on the new Northern Avenue Bridge. In all cases, the analysis results indicate LOS "E" conditions at the intersection with V/C ratios exceeding 1.0 during the PM peak.

The analysis in Chapter IV of this EIR does not include the 204 vehicles which shortcut through the intersection to bypass a portion of the Central Artery. This assumption was made to accurately model what is likely to happen at this intersection upon its redesign. With a signal and its associated delays, it is unlikely that the current shortcut would offer an attractive bypass route.

The Commonwealth Pier Final EIR included a highly detailed analysis of this intersection and included an examination of the impact of the shift of traffic from the intersection to the Expressway. While the volumes used in this analysis differ slightly from those used in Commonwealth Pier, due to different base volumes (Rowes Wharf volumes were derived from Third Harbor Tunnel EIS/EIR data), the results of the previous analyses are still appropriate.

The basic conclusion of all the analyses is that the Atlantic Avenue/Northern Avenue intersection will experience considerable congestion, particularly during the afternoon peak hour. Even with the planned reconstruction of the Northern Avenue Bridge, operations will be at capacity (LOS "E") and considerable queuing (intersection backups) will result from the intersection's inability to process the demand. The intersection analysis in the Commonwealth Pier Final EIR indicated that queuing on the northbound Artery on-ramp would be longer than today; however, it would not extend into the Northern Avenue/Atlantic Avenue intersection. It was found that volumes on both the on-ramp and at the intersection would be at capacity and additional queuing would only occur on approaches to the intersection and not on the ramp. Ramp queuing could affect intersection operations, however, by lowering travel speeds and thereby increasing congestion.

The Rowes Wharf Development is not expected to add any traffic to the northbound on-ramp at Northern Avenue due to the location of the site and its access drives. The site will generate traffic through the intersection, as all site-entering traffic must approach from the south. As indicated in Chapter IV, an estimated 126 entering vehicles were expected to be generated by the site during the PM peak hour. Because all would pass through the intersection, the V/C ratio would increase by three percent. While the project's impact is small, it does contribute some traffic to an existing congested location.

(16.5) COMMENT: Existing and future congestion levels at study area intersections.

RESPONSE: Chapter IV: Traffic and Parking and Comments 16.2 and 16.4 provide a detailed description of a number of traffic problems experienced near the site. Many of the congestion problems occur on the regional highway system (Central Artery and the Harbor Tunnels), while others are associated with street and intersection operations. The following briefly summarizes problems experienced in the area.

Central Artery. The Central Artery has severe peak-hour congestion due to inadequate capacity, restricted geometery, and high traffic volumes. Both northbound and southbound directions are severely congested and this creates backups on the entrance ramps, particularly the ramps associated with the Harbor Tunnels.

Callahan Tunnel. The Callahan Tunnel also experiences severe congestion, functioning as a bottleneck due to inadequate capacity to accommodate the demand on its existing two-lane cross section. Backups at the entrance are often quite long, creating a queue of vehicles waiting to be processed. With the implementation of one-way tolls, a series of geometric improvements were constructed at the entrance to better channelize traffic. Still, queues typically extend from the Tunnel onto the Central Artery and Surface Artery south of the Clinton Street intersection. Congestion also extends to the Artery off-ramp/North Street intersection which, by nature of its design, appears quite confusing to drivers.

Because of the particularly heavy demands created by weekend activity at Logan Airport, congestion is usually greatest on Friday afternoons. It is expected that the impact of the Rowes Wharf Development will be small at this location. During the PM peak hour, the Tunnel is typically able to process 3,200 to 3,400 vehicles (the remaining peak-hour demand queues and is served during subsequent hours). The analysis in Chapter IV assumes that one-third of exiting site traffic exits to the north. If half of that volume were to choose to travel through the Callahan Tunnel, a maximum of approximately 40 vehicles would be added to existing tunnel queues. In comparison with existing volumes handled by the Tunnel, this represents an increase of approximately 1.2 percent.

Sumner Tunnel. The chief problem experienced at this location is the inability of downstream ramps and intersections to handle the demands processed by the Tunnel. It is further complicated by the pedestrian crossing at Hanover Street which reduces the time available to move traffic out of the Tunnel.

Surface Artery. Locations where left turns are concentrated represent congestion points, as does the northern end of this street which serves as an access ramp to the Callahan Tunnel. Particularly heavy-turning locations along the Surface Artery include High, Broad, State, and Clinton Streets. Blockage of the more minor side streets also occurs in this area due to congestion on the Artery and poor driving practices.

City Streets. Several corridors experience considerable congestion due to: (i) high volume levels, (ii) heavy pedestrian activity that interferes with traffic flow, (iii) conflicts between vehicle types (trucks, buses, autos, taxis, etc.), and (iv) relatively narrow and confining roadway geometrics. In particular, of the corridors examined, the following typically experience these problems:

- o State Street/Court Street (particularly the intersection with Congress Street),
- o Congress Street, and
- o Cambridge Street.

(16.6) COMMENT: Parking for a marine purpose; public access; and accommodation of commuter boats, buses, and pedestrians.

RESPONSE: The number of proposed parking spaces has been reduced from 700 to 575. A total new trip generation of 2,780 vehicle trips per day is projected for the project. The estimate of 2,100 ADT for the 700 spaces mentioned in the comment is apparently based on the assumption that all hotel trips would be via taxi. The revised trip generation analysis in this Final EIR indicates approximately 600 daily taxi trips, resulting in a project traffic generation (non-taxi) of 2,200 ADT.

Public parking for the marine components will be provided as part of the 225 planned commercial spaces. Demand for parking related to the marine component will be primarily generated by users of the excursion ferryboats as commuters typically arrive from the South Shore, leaving their cars in Hingham. Excursion runs

are generally concentrated during off-peak periods (evenings and weekends) and it is not expected that the parking needs of these users will conflict with daytime needs.

The manner in which commuter boats are accommodated on site is fully discussed in Chapter IV: Water-Related Activities and the responses to Letters 17 and 19. Intermodal transportation links are specifically reviewed in Comment 17.1. There are no plans for bus access into the site as there is not sufficient room to accommodate roadways and turnaround requirements. While the Boston Doubledeckers operate a tour route past the site, their Shoppers Shuttle does not travel in this direction. However, site users are within walking distance of the Blue Line Aquarium Station, South Station's commuter rails and the Red Line, and taxi stands are to be located on Atlantic Avenue near the site's southern boundary. The MBTA bus route 6 also links the site to the T bus system wih the Army Base/Haymarket via the South Station route.

As illustrated in Figure IV-18 of Chapter IV: Visual Quality and Urban Design, the pedestrian has numerous points of access throughout the Rowes Wharf site. The project will be encircled by public walkways and three major corridors (the northern and southern promenades as well as the 72-foot wide central arch) provide access along the project's edge and through its center to the Harbor and to Atlantic Avenue.

The Commonwealth of Massachusetts
Executive Office of Transportation and Construction
Department of Public Works
Office of the Commissioner
100 Nashua Street, Boston 02114

RECEIVED
MAY 11 1984
OFFICE OF THE SECRETARY
OF ENVIRONMENTAL AFFAIRS

May 11, 1984

Secretary James Hoyte
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA

Re: EOEA #4992 - Draft EIR, Rowes Wharf Development

Dear Secretary Hoyte:

Rowes Wharf has been an important marine terminal in Boston Harbor for two hundred years. There has been continuous marine activity at the site in spite of the advanced deterioration of the piers.

Mass. Bay Lines has provided continuous service for 20 years for commuters, residents of Boston heading for the islands, and tourists enjoying harbor cruises. They have been recently joined by Mass. Bay Commuter Services and Boston Harbor Commuter Services, which are providing commuter boats to the South Shore, as well as by Harbor Crossing Co. which provides commuter and harbor charter boats between Quincy and Boston (400 Atlantic Ave.).

The DPW has been very supportive of the increased activity, since some 1300 passengers a day are carried to and from this area by boat, which helps to relieve pressure on the Southeast Expressway during the two year reconstruction period.

The issue of water transportation in Boston Harbor is very complex - involving many operators, vessels, agencies, communities and interests. It is extremely important that developments such as Rowes/Foster's Wharf are designed and constructed to accommodate existing and future vessels. With 23 waterfront developments projected for Boston Harbor with an estimated $3 billion construction cost, the harbor transportation pressures are going to increase dramatically.

The Beacon and SkidmoreOwings Merrill staff have been diligent in their inquiries about water transportation needs. The proposed new terminal is undoubtedly an improvement to the site.

However, I believe that the intermodal transportation importance of this site (boats - taxis, boats - vans, boats - busses) has not been thoroughly enough explored, nor integrated into the site plan. 1

For instance, the terminal is close to the boat landing, but reached by unprotected walkways. Where marine terminals succeed, they are integrated with land-side as well as water-side activities. 2
(If people are to be shuttled by ferry from the airport to Rowes Wharf in a winter storm and are carrying luggage and wanting to make a transfer to a taxi, for instance, will the proposed terminal work?)

I would recommend that the water transportation component of this development be thorougly examined in light of the need to provide good year-round shelter and service for passengers from the point of entry at the site to loading and unloading of vessels.

There are many other concerns which have been expressed by boat operators who are justifiably anxious about the development. Will there be fuel, water and servicing capabilities at the site; will there be overnight vessel layovers; will there be clear channels for landing and departing for two or three vessels simultaneously; who will manage the terminal; what kinds of lease arrangements, etc. will be made? I think that the primary concern is, however, whether the proposed terminal is really designed to be a serious transportation link, or a decorative commemorative landmark of seasonal usefulness. 3

In conclusion, I believe that EOEA should review this component of the development to determine whether the terminal can indeed function as an important transportation link which is so needed in Boston Harbor.

Sincerely,

Martha Reardon

Martha Reardon
Associate Commissioner

MR/rs

LETTER 17

Commonwealth of Massachusetts, Executive Office of
Transportation and Construction
Department of Public Works
May 11, 1984

(17.1) COMMENT: Intermodal transportation

RESPONSE: Intermodal transportation links are an important concern. As noted in Chapter IV: Traffic and Parking and the response to Comment 16.6, one bus route (Route 6) passes the site, the Blue Line Aquarium Station is approximately 800 feet north of the site, and South Station's commuter rails and the Red Line are to the south. In addition, taxi stands will be located on Atlantic Avenue near the site's southern boundary and Caravan, the state's ridesharing agency, will be consulted about playing a role in transportation to and from the site. This agency matches interested riders with existing vanpools and helps to initiate in-house programs. However, the demand for this service will probably be limited as most commuting passengers arriving by boat walk to work because of the convenient downtown location of Rowes Wharf. Passengers will also be able to use such hotel services and facilities as the cab stand and valet and bell captain services. Luggage-handling facilities will be provided at the terminal should there be sufficient demand.

It will be the responsibility of the maritime facilities manager to ensure that these modes of transportation are linked to the boats through the provision of schedule/location information at the ferry terminal. In addition, as needed, the proponent will work with boat operators and public transportation officials to coordinate intermodal transportation opportunities.

(17.2) COMMENT: Year-round ferry passenger shelter and service.

RESPONSE: The proposed terminal includes (i) a 2,500 square foot enclosed ferry terminal with potential for expansion to 8,000 square feet and (ii) outdoor waiting areas which include the floating dock. The enclosed facility will provide year-round shelter, with the terminal space in full view of arriving boats and with direct access to the loading area. Two gangways with appropriate walkway surfaces will provide access to the dock area. In response to input from the Water Transportation Task Force and to ensure the full comfort of passengers, covered gangways and protected walkways are also being considered so that passengers would only be briefly exposed to weather conditions as they board the boats. As noted above, the terminal's visual and geographic proximity to the loading/unloading area will eliminate

the need for passengers to wait outside for the boats. In terms of shelter between the terminal and other modes of transportation, there are plans to set up "trellis-like" structures along the public walkways which will help dissipate ground-level winds and, if found to be necessary, these structures can be covered to provide protection during adverse weather conditions. However, as noted in the wind analysis in Chapter IV, wind levels at the ferry terminal and loading area have been predicted to be well within established pedestrian wind standards.

The integration of landside and waterside transportation activities is detailed in the response to Comment 17.1 above. If water taxi transportation between the site and the airport is found to be significant, it would be possible to coordinate passenger luggage handling through the hotel valet/bell captain, with luggage carts to be provided at the terminal. In addition, as part of overall site management, efforts will be made to work with boat operators and the Airport to coordinate schedules.

(17.3) COMMENT: Services provided.

RESPONSE: Services provided at the well-lit dock will include water and electricity. As discussed in the response to Comment 3.7, the water-related facilities are to be integrated into the larger mixed-use development, which will be professionally managed and supervised 24 hours a day. The proponent is planning to employ a maritime facilities manager who would be responsible for the operation and maintenance of the ferry terminal, marina, and dinghy dock. This would entail general site upkeep, security, trash and snow removal, and the overseeing of dock repairs. Operating specifics are still being researched and developed, but they will remain flexible in order to ensure a match with the characteristics and needs of ferryboat operators who will eventually occupy the redeveloped site.

The floating dock will accommodate three boats arriving or departing simultaneously. Boat layover will be allowed, provided it does not compromise boat loading and unloading and general vessel turnover. Servicing (other than emergency repairs) and overnight docking must be coordinated to allow full utilization of available docking area.

As discussed in Chapter IV: Water-Related Activities, the proponent plans to establish agreements with ferry-boat operators, giving preference to current site users. A range of alternatives for establishing charges for year-round, seasonal, and special events users is currently being researched. Furthermore, the proponent will work with EOTC and the BRA to develop agreements that are consistent with City and state policy for waterborne transportation and that will take into account the operators' needs for long-term planning of their services.

In conclusion, the proponent is committed to developing and maintaining maritime facilities that function as an important transportation link in the Harbor, enhancing Boston's water transportation capabilities.

May 11, 1984

State Department of Environmental Affairs
Jackie Wilkins
C/O Mass Environmental Policy Act (MEPA)
100 Cambridge Street 20th Floor
Boston, Massachusetts 02202

RECEIVED
MAY 11 1984

Dear Ms. Wilkins:

I am writing persuant to requests for comments by interested persons RE: the Massachusetts Environmental Policy Act about the April 1984 draft Environmental Impact Report (hereafter refered to as "Report") for the Rowes Wharf Development on behalf of the Harbor Towers I Condominium Association.

We have two basic areas of concern with the "Report". First we do not feel the "Report" adequately addresses item III - A-1 "Open Space and Recreation" and item III - K-1 "Wind and Shadow" in appendix A "Environmental Notification Form" as they affect the landscaped swimming pool area which abuts the northern boundry of the proposed Rowes Wharf Delopment. The proximity of the proposed nine to sixteen story Rowes Wharf structures to this Harbor Towers recreation and swimming area must substantially alter the visual and environmental (sun and wind) characterestics of the parcel. 1

Secondly, appendix A "Environmental Notification Form" Section III - J-3 denies the project will impair visual access to the waterfront or other scenic areas, and the "Report" follows that conclusion. However, the proposed project will alter the southern waterfront views of the several lower floors of the condominium as well as those of the pedestrian areas on the south side of the Harbor Towers I. 2

On behalf of The Harbor Towers I Condominium Association I suggest that the effect of the Rowes Wharf project on the visual access and the open space and recreation of the Harbor Towers area as addressed in the environmental "Report" is inadequate, and I request that these factors be considered in substantially more detail in a revised "Report".

FOR THE HARBOR TOWERS I
CONDOMINIUM ASSOCIATION
85 East India Row, Boston, MA 02110

TRUSTEE

LETTER 18

Harbor Towers I Condominium Association
May 11, 1984

(18.1) COMMENT: Wind and shadow impact on Harbor Towers swimming pool.

RESPONSE: As illustrated in Chapter IV: Shadow, no shadows will be cast by the project on the Harbor Towers swimming pool from the end of May through mid-August. Information about shadows at other times of the year is provided in Chapter IV.

Chapter IV and Appendix 5 also include detailed results of the wind tunnel tests. These tests indicate that severe wind conditions currently exist at the base of the Harbor Towers structures. The effect of the addition of the Rowes Wharf complex, based upon the results of the MIT wind tunnel studies, would be to decrease the winds at the location of the Harbor Towers swimming pool.

(18.2) COMMENT: Southern waterfront views from lower floors and from pedestrian areas on south.

RESPONSE: The views from the lower floors of Harbor Towers will be altered to include the northern promenade, marina, and proposed waterfront improvements. Sketches are included on the following page that give an indication of the character of the public walkways and structures in these areas. Work on the detailing of facade treatment and landscape design continues and is subject to the BRA/BSA design review process.

SKETCH FROM ENF OF NORTH PROMENADE AND
ROWES WALK ENTRANCE

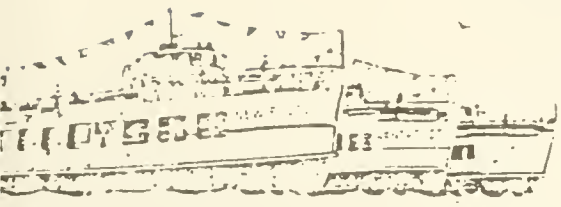
View of Residential Wharf & Marina.

Ferry Pavillion--waiting,
loading, public viewing area.

Northern Promenade at entrance
to Rowes Walk.

View of Ferry Pavillion from
Rowes Walk.

Massachusetts Bay Lines, Inc.
Rowes Wharf, 343 Atlantic Ave Boston, Mass 02110 (617) 542-8000
Charter Information (617) 723-4560



HARBOR TOURS — CLAMBAKES — PRIVATE CHARTERS

April 30, 1984

Ms. Jacki Wilkins
Executive Office of Environmental Affairs
100 Cambridge St
Boston, MA 02202

RECEIVED
MAY 2 1984
OFFICE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

Re: Rowes Wharf Development Draft EIR
EOEA #4992

Dear Ms. Wilkins:

Mass. Bay Lines, Inc. has been for many years an excursion boat operator at Rowes Wharf. We are presently a Tenant At Will of the Boston Redevelopment Authority and prior to the eminent domain taking by the Boston Redevelopment Authority of Rowes Wharf, we were tenants of private landlords.

We, of course, would like to see Rowes Wharf developed into a major marine excursion boat facility similar to the one on the downtown waterfront in San Francisco. Most of the proposed uses on Rowes Wharf do not require a waterfront location. Our vessels do require a waterfront location.

On pages 18 and 121 of this report it is stated that present ferry operations using Rowes Wharf are principally based in Hingham. This is incorrect. I quote from page 18. "However, the primary location for ferry operations - administration and repairs is in Hingham. Therefore, boat facility requirements on Rowes Wharf are minimal." In fact Rowes Wharf is our principal center of operations and only one of our four vessels is berthed overnight in Hingham, end we do not do repair work in Hingham. 1

I feel excursion vessels should be provided at least as many linear feet of overnight berthing space as now exists. I also feel the rental charge for space should be comparable to the existing Boston Redevelopment Authority rentals. We presently provide annual boat service to over 100,000 people at reasonable rates. We have provided for over 10 years free transportation to over 10,000 people per year as a public service. An inordinate increase in our annual docking fee would jeopardize this service to the community. 2

How do the Beacon Companies plan to set vessel rental terms for existing and/or other vessel operators at Rowes Wharf? This question concerns the areas provided and the annual rental for these areas. 3

Mass Bay Lines, Inc. feel strongly that the Executive Office of Environmental Affairs should strive to keep at least the present level of marine activities at Rowes Wharf at reasonable prices.

Sincerely,

William J. Spence

William J. Spence
President

WJS:ks

LETTER 19

Massachusetts Bay Lines, Inc.
April 30, 1984

(19.1) COMMENT: Location of ferry operations.

RESPONSE: Chapter IV: Water-Related Activities has been amended to reflect this comment.

(19.2) COMMENT: Linear feet of excursion berthing space.

RESPONSE: The proposed dockage space will total approximately 265 linear feet and has been developed to accomodate boats from under 55 feet to over 100 feet in length. The actual distribution of this space between excursion and commuter boats as well as water taxis will depend on program and demand. However, the space is being carefully designed to fully meet the needs of all of these types of users.

Should additional dockage space be required, the proponent will work closely with the appropriate public agencies to establish expansion strategies. Presently, expansion space is being considered between the Rowes Wharf proposed ferry dock and the dock at 400 Atlantic Avenue, which would add approximately 130 additional feet. Floating docks could also be utilized to accommodate special events.

(19.3) COMMENT: Rental terms.

RESPONSE: As discussed in Chapter IV: Water-Related Activities and the response to Comment 17.3, the proponent is currently researching alternatives for establishing charges. There is a commitment to giving preference to current site users.

Metropolitan Area Planning Council
110 Tremont Street Boston, Massachusetts 02108 (617)-451-2770
Serving 101 Cities & Towns in Metropolitan Boston

May 8, 1984

The Honorable James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Attention: MEPA Unit

RE: Review of DEIR, Rowes Wharf, Boston, EOEA #4992
(MAPC #DEIR-84-23, received April 11, 1984)

Dear Secretary Hoyte:

In accordance with the provisions of Chapter 30, Section 62 of the Massachusetts General Laws, the Metropolitan Area Planning Council has reviewed the above-referenced Draft Environmental Impact Report.

In general, the Draft EIR adequately describes the project and the impacts likely to result. Information analyzing those impacts and describing mitigating measures is also presented. The Council feels however, that additional information on the visual impact of the project should be presented in the Final EIR.

The proponent's comparison of the proposed project and the BRA/BSA design guidelines for overall height needs clarification. It appears that the guidelines call for overall heights not to exceed 165 feet, while the proponent claims that the design will not exceed 16 stories, and that the height from the mean grade to the top of the last habitable floor will be 165 feet.

Considering that no "moderate build" scenario utilizing smaller, lower buildings has been considered, the Council feels that the proponent should present information clarifying whether such structures as penthouse mechanical facilities or roof design will exceed the overall height guidelines. 1

The proponent also discusses the relationship between the proposed buildings and the existing buildings to the south, along Atlantic Avenue. Atlantic Avenue south of the project is also described as a major pedestrian path to the site.

[illegible] Brandwein, President William C. Sawyer, Co-President Frank E. Baxter, Secretary [illegible] Treasurer

MAY 11 1984
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Given these important pedestrian and visual associations, the Final EIR should include an existing-versus-proposed visual analysis for this view similar to the five views included in the DEIR. 2

The Council looks forward to reviewing additional information concerning this project.

Sincerely,

Joel B. Bard
General Counsel/
Assistant Director

JBB:MSS:lpb
cc: Ms. Karen B. Alschuler
Skidmore Owings and Merrill
Mr. Geoffrey Boehm
MAPC Representative, Boston
Mr. Alfred Howard
Boston Redevelopment Authority
Mr. Mark Siegenthaler
MAPC Staff

LETTER 20

Metropolitan Area Planning Council
May 8, 1984

(20.1) COMMENT: Penthouse mechanical facilities and roof design heights.

RESPONSE: As defined by the Boston zoning code and consistent with the BRA/BSA guidelines, the design shows the height of penthouse mechanical facilities to be calculated separately from the height of the proposed structures to roof slab. The mechanical penthouses, depicted in the project views, are set back eight feet and will exceed the roof slab of the highest occupied floor by one story or 18 feet.

(20.2) COMMENT: Atlantic Avenue view from the south.

RESPONSE: Pedestrians approaching the site from South Station and the Fort Point Channel area will move north along Atlantic Avenue. As they approach near the site, street-level activity at the four building lobbies, retail stores, and restaurants as well as the public walkways and central court will come into view. View B, illustrated in Chapter IV: Visual Quality of the Final EIR, shows a similar approach from the north. Continuing design development is focusing on the detailed design of Atlantic Avenue fenestration, landscaping, canopies, and paving that will be apparent in this view. Continuing design review by the BRA/BSA team and community groups will address this detailed effort.

PADJEN ARCHITECTS, INC.
50 CROSS STREET, PO BOX 311
TOPSFIELD, MASSACHUSETTS 01983
(617) 887-6400

RECEIVED
MAY 8 1984
OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

May 7, 1984

Mr. James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02220

Att: MEPA Unit

Re: EDEA No. 4992: Rowes/Fosters Wharf
Boston, Massachusetts

Dear Secretary Hoyte:

The Boston Society of Architects has participated with the Boston Redevelopment Authority on this project through a Design Assistance Team (DAT) of the Urban Design Committee of the BSA. The DAT is comprised of four members of the BSA.

Our involvement, to date, includes assisting the BRA staff project team in the development of the project design guidelines, the review of the submissions of the developers, the selection of the finalist developers and, more recently, we have been involved in all of the progress reviews of the finalized design as it has been developed to date.

We are enthusiastic about the project. As presently developed, the design meets or transcends very well the design guidelines or their intents and satisfies the urban design issues represented in the publication, "Boston Harbor: Challenges and Opportunities for the 1980's - BRA" and the "Boston Guidelines for Development - Boston 2000". 1

We are satisfied that the project will be a significant contribution to the architectural and urban design quality of the City and we urge you to allow its implementation.

Very truly yours,

Oscar Padjen

op/j

Oscar Padjen, AIA
BSA-DAT member

cc: Ryan (BRA), Kroin (BRA), Payette (BSA), Sturgis (DAT), Minifie (DAT), Sun (DAT), Bluestone (UDC)

LETTER 21

Padjen Architects, Inc. for the Boston Society of Architects
May 7, 1984

(21.1) COMMENT: Project meets design guidelines.

RESPONSE: These comments regarding the project's "significant contribution to the architecture and urban design quality of the City...." are noted.

US Department of Transportation
United States Coast Guard

Commander
First Coast Guard District

150 Causeway Street
Boston, MA 02114
Staff Symbol
Phone (617) 223-7562

S.O.M.

MAY 14 1984

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16475
9 MAY 1984

MEPA Unit EOEA #4992
Attn: Ms. Jacki Wilkins
Executive Office of Environmental Affairs
100 Cambridge Street, 20th Floor
Boston, MA 02202

Dear Ms. Wilkins:

The Rowes Wharf Development (DEIR) has been reviewed. A meeting was held with the project proponents on 7 May, 1984, to discuss the effect of the development on navigational interests.

The fixed and floating piers associated with the development extend beyond the US Pier and Bulkhead Line which was established pursuant to Section 11 of the Rivers and Harbors Act of 1899. Construction beyond the harbor line is of particular concern because there is a strong potential for interference with navigation and anchorages. The special anchorage areas in the vicinity of Rowes Wharf were established in response to the continuing and increasing demand for anchorage space and the need to define specific anchorage areas in the interest of navigational safety in Boston Harbor. The anchorage boundaries were defined to provide suitable separation from the channels and cannot be expanded towards the channels. At present, small boats can transit the area between the existing pierheads and the anchorage areas without encountering fixed obstructions. Thus, the proposed construction of floating piers extending beyond the US Pier and Bulkhead Line interferes with navigation along the harbor front and encroaches on the only area available to relocate Anchorage Area "B". As noted in the report, this area is currently a fairway which provides access to the existing ferry landing area. 1

The proposed relocated ferry pier facilitates the maneuvering of large commercial vessels, thereby contributing to safe, efficient operations. Vessel traffic in the area is expected to be those vessels approaching the ferry terminal and adjacent public landing at 400 Atlantic Avenue. Thus, the Coast Guard concludes that the proposed ferry pier is a reasonable, navigationally sound design for this purpose.

The DEIR page 127 proposes establishment of a 200 foot fairway in front of the proposed Rowes Wharf Development. A fairway of this size is unnecessary in this instance and would result in a substantial reduction in the size of the anchorage areas. 2

In summary, the protection of navigation and anchorage continues to be a primary concern of the Federal Government and harbor lines serve as guidance in evaluating navigation impacts. The Coast Guard will support the issuance of permits for this development provided it is modified to avoid the extension of marina floats beyond the US Pier and Bulkhead Line as this encroachment

would have a significant effect on navigation and anchorages. The development is desirable in that it provides improved waterfront pedestrian, small boat and commuter ferry access which will be beneficial to the harbor.

The Coast Guard will consider proposals to modify the boundaries of the Special Anchorage Areas. It is advisable to seek the advice of the Boston Harbormaster who administers these areas at the local level. 3

If you have any questions or comments please feel free to contact me at 223-7562.

Sincerely,

P.V. KASELIS
Environmental Protection Specialist
First Coast Guard District
By direction of the Commander

Copy: Ralph Atkinson
Carol Gladstone
Karen B. Alschuler

LETTER 22

U.S. Department of Transportation, United States Coast Guard
May 9, 1984

(22.1) COMMENT: Conflict with U.S. Pierhead and Bulkhead Line and Anchorage Areas.

RESPONSE: The ferry pier and marina docks that were beyond the U.S. Pierhead and Bulkhead Line of 1940 have been modified to no longer extend into navigable waters, eliminating direct interference with the Anchorage Areas. However, Anchorage Area B will be in conflict with ferries maneuvering into the dock and, therefore, the proponent is preparing a reconfiguration proposal in consultation with the U.S. Coast Guard and the Harbormaster which will meet the needs of recreational and commercial uses. See Comment 1.3 and Chapter IV: Water-Related Activities.

(22.2) COMMENT: 200-foot fairway.

RESPONSE: In a meeting on July 12, 1984 with the U.S. Coast Guard and the Harbormaster, it was established that the Harbormaster would provide an adequate fairway as part of his managerial responsibilities for the Anchorage Areas. See Chapter IV: Water-Related Activities for discussion on Anchorage Areas.

(22.3) COMMENT: Anchorage Areas and coordination with Boston Harbormaster.

RESPONSE: In a meeting on July 12, 1984, the proponent presented a possible reconfiguration of Anchorage Area B adjacent to Anchorage Areas A and C. Both the U.S. Coast Guard and the Harbormaster have reviewed the proposal and advised it be prepared for official submission to the U.S. Coast Guard.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

May 3, 1984

RECEIVED
MAY 7 1984
OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

Samuel G. Mygatt, Director
Executive Office of Environmental Affairs
20th Floor, 100 Cambridge Street
Boston, MA 02202

Attention: MEPA Unit - EOEA No. 4992

Dear Mr. Mygatt:

We have reviewed the Draft Environmental Impact Report for the Rowes Wharf Development. The following comments pertain to Federal permits required under Section 404 of the Clean Water Act (CWA) and Section 103 of The Marine Protection Research and Sanctuaries Act (MPRSA).

Dredging and Disposal

We understand a bioassay, bioaccumulation analysis of a representative sample of the 18,000 cubic yards of material proposed to be dredged and disposed of at the "Foul Area" is currently underway. We will review the test results as part of the application for a Section 103 permit under the MPRSA from the Corps of Engineers.

The use of a watertight clamshell dredge may be warranted. This type of dredge can substantially reduce turbidity and associated chemical releases as compared to standard dredges. The Elutriate Analyses, Figure IV-28, page 114 shows a high concentration of arsenic. The release of this chemical into the water column may cause a toxicity problem for adjacent sea water users such as the Hook Lobster Company. It may also cause added sea water purification costs at the New England Aquarium. 1

Circulation

Page 115 mentions that wave barriers will be placed under the proposed piers. Details of the wave barrier configuration including location and cross sections should be included in the Final Environmental Impact Report. These barriers should be designed such that water circulation under the piers will not be impaired and debris will not be caught in the structure. 2

Mitigation

On Pages 129-130 there is a list of measures to mitigate adverse effects. These were taken out of the main body of the report. The measures listed under Water Quality, Dredging and Filling should be included in submissions for permits under Section 404 of the Clean Water Act and the State program permits (Wetland Protection Act and Waterways License), so that they can be made conditions of permits.

Navigation

At the informal meeting held on board the Discovery on May 1, 1984, it was apparent that the proposed extensions of piers and floats beyond the harborline of 1880 and the U.S. pier and bulkhead line may interfere with the anchorage areas nearby and may not be allowed according to State tidelands laws administered by the Division of Waterways. In the interests of safe navigation we recommend the Beacon Companies meet with the U.S. Coast Guard, U.S. Army Corps of Engineers, MA Department of Environmental Quality Engineering Division of Wetlands and Waterways Regulation, and other parties involved with harbor development and navigation to resolve this area of conflict. 3

Sincerely yours,

William J. Butler

William J. Butler, Chief
Planning and Standards Section (WR/PS-2103)

cc: USFW, Concord, NH
NMFS, Gloucester, MA
MADEQE DWPC - Attn: Judy Purdue
MADEQE DWWR - Attn: John Zajac

LETTER 23

U.S. Environmental Protection Agency, Region 1
May 3, 1984

(23.1) COMMENT: Arsenic concentration.

RESPONSE: As presented in the Draft EIR, the elutriate analyses indicated some release of arsenic, thereby indicating the potential for water quality impacts during dredging and other operations in which marine sediment is disturbed. At the time of publication of the Draft EIR, the results for arsenic were preliminary, and it was noted they were being reanalyzed. The levels reported were thought to be higher than actually existed. Reanalysis has confirmed that the levels presented in the Draft EIR were high. Subsequent to publication of the Draft EIR, the preliminary test results for arsenic were reanalyzed and findings are presented in Figure IV-48 of the Final EIR. These results indicate there is no release of arsenic into the elutriate water.

(23.2) COMMENT: Location and cross sections of wave barrier configuration.

RESPONSE: Wave barriers have been eliminated from the project design due to limited effectiveness. The barriers, located within the boundaries of the Rowes Wharf project, would have minimal effect in mitigating the major source of waves, which comes from ships passing in the ship channel.

(23.3) COMMENT: Navigation concerns.

RESPONSE: The proponent met with the parties named and the final resolution was to relocate structures within the State Harbor Line and U.S. Pierhead and Bulkhead Line of 1940. Also see Comments 1.3 and 10.1. The proponent, in consultation with the U.S. Coast Guard and the Harbormaster, is preparing a proposal for the reconfiguration of the Anchorage Areas to eliminate potential conflicts between ferryboats and recreational boats.

COMMENTS ON THE NOTIFICATION OF PROJECT CHANGES

The Beacon Companies submitted a Notification of Project Change on June 7, 1984 to the Secretary of Environmental Affairs. This Notification is included in the EIR as Appendix 6. To summarize, the Notification detailed the following three changes in the Rowes Wharf project:

- o Height Change. A change in the type of construction was proposed by the proponent and approved by the BRA which will result in an increase of approximately one foot per floor for the built areas of the project. Maximum height increase (in two locations along Atlantic Avenue) will total 17 feet or a change from a 165 foot height to 182 feet. However, there will be no additional stories or floor area. This change in height does not alter the findings of the original EIR assessment. The Secretary determined this change did not warrant any rescoping.

- o Site Plan Modification. The proponent altered the project configuration in response to comments by the Secretary of Environmental Affairs and other parties. In this modification:
  - -- All project structures and maritime facilities have been relocated behind the State Harbor Line and the U.S. Pierhead and Bulkhead Line of 1940.
  - -- The public dinghy dock has been relocated to the inlet between the north and central piers.
  - -- The marina is redesigned to provide individual slips.

- o Parking Reduction. The Draft EIR analyzed the impacts of a maximum number of parking spaces (700) in order to present a worst-case analysis. Since that time, the total number of spaces has been reduced to 575. As noted by the Secretary, this reduction is seen as a "beneficial impact of the project."

These project changes have been incorporated in this Final EIR and expected impacts analyzed. Comments on the Notification are reproduced and responded to in detail in alphabetical order according to the agency or party's name. The commenters are noted below.

A Response to Notification by the Secretary of Environmental Affairs

B The Boston Preservation Alliance

C Choate, Hall & Stewart

D Harbor Towers I Condominium Association

E Massachusetts Bay Lines, Inc.

F U.S. Department of Transportation, United States Coast Guard.

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

MICHAEL S. DUKAKIS
GOVERNOR

JAMES S. HOYTE
SECRETARY

July 3, 1984

Mr. Edwin N. Sidman
The Beacon Companies
One Post Office Square
Boston, MA 02109

RE: EOEA # 4992 - Rowes Wharf
Notification of Project Change

Dear Mr. Sidman:

I have reviewed the information provided in your notification of project change for the Rowes Wharf development dated June 7, 1984. In addition, I have reviewed with interest the comments on the proposed changes in height and site layout which were subsequently submitted by the Boston Preservation Alliance, the U.S. Coast Guard, the Harbor Towers Condominium Association, Mass. Bay Lines, Inc., and Choate, Hall & Stewart. My response to said changes is as follows:

(1) Height - I agree that the addition of one foot per floor will not so significantly increase the environmental consequences of the project as to warrant rescoping regarding the height of the structures. I stand by my decision not to require the evaluation of a lower build alternative. However, the concern expressed by the Boston Preservation Alliance regarding the visual barrier to the waterfront from Broad Street which the project represents is an important issue to be addressed in the Final EIR, as I stated in my Certificate on the Draft EIR. 1

(2) Site Layout - The current configuration of the development appears to be acceptable in that all water related activities originally proposed will be provided without intruding into the harbor beyond the 1940 U.S. Pier & Bulkhead Line. Such a change in configuration has raised questions regarding the suitability of the docking area for excursion as well as commuter vessels and the impacts of the new proposal on nearby anchorage areas. These issues should also be addressed in the Final EIR. 2

(3) The proposed reduction of parking spaces from 700 to 575 is seen as a beneficial impact of the project.

In summary, the changes to the project do not warrant the need for supplemental documentation prior to the submission of the Final EIR.

Attached are comments which were submitted on the notice of project change. Please include and respond to them in the Final EIR. 3

Sincerely,

JAMES S. HOYTE, SECRETARY

JSH/JW/dc

Attachments

cc: Distribution

LETTER A

Executive Office of Environmental Affairs
The Secretary
July 3, 1984

(A.1) COMMENT: Broad Street visual barrier.

RESPONSE: This comment has been fully addressed in Chapter IV: Visual Quality and Urban Design and in the response to the Secretary's Comment 1.6.

(A.2) COMMENT: Excursion/commuter vessel docking area, and impacts on Anchorage Areas.

RESPONSE: As discussed in Chapter IV: Water-Related Activities of the EIR, the ferryboat docking area has been designed to accommodate both excursion and commuter vessels. The response to the Massachusetts Bay Lines letter (Letter E) regarding the project change also addresses this concern.

For discussion on measures to mitigate the impacts on the Anchorage Areas, see Comments 1.3 and 12.6 and Chapter IV: Water-Related Activities.

(A.3) COMMENT: Include and respond to comments in EIR.

RESPONSE: All comments regarding the Notification of Project Changes have been included and responded to in the Final EIR.

The Boston Preservation Alliance

P.O. Box 1165. Boston. Massachusetts 02103

June 22, 1984

Mr. James Hoyt, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Re: Rose Wharf, EOEA No. 4992
Notification of Project Change

Dear Secretary Hoyt:

The Boston Preservation Alliance, Inc. wishes to respond to the "Notification of Project Changes" for the above-referenced project. Reference is made to our letter dated May 9, 1984 wherein we commented extensively on various concerns we had with the project. Unfortunately, the project changes proposed by the proponent do not fully address our concerns. Chief amoung them are the issues of height and massing. The developer's response to the Rose Wharf Draft Environmental Impact Report is purely to make minor changes and rationalize the former scheme with those minor modifications. Essentially, the project remains unchanged.

The project still presents a barrier to the Waterfront instead of an integrated link between the water and land areas. 1
The alignment of the siting to the arch as viewed from Broad Street has still not been corrected and presents an awkward line of sight even as demonstrated in View D of Section 1 of the report. The issue of height still remains a problem for us and we did not feel that the change in the material 2
should in any way rationalize or justify the additional height.

Our original comments still stand and we ask again that they be fully considered in developing the final Environmental Impact Report.

Respectfully submitted,

THE BOSTON PRESERVATION ALLIANCE, INC.

By: _____
Susan Park, Chairman

SP/lcl
cc: Samuel Mygatt

LETTER B

The Boston Preservation Alliance
June 22, 1984

(B.1) COMMENT: Barrier to waterfront and alignment with Broad Street.

RESPONSE: This comment has been addressed in response to the Alliance's initial letter (see Comment 5.8) as well as in response to Comment 1.6. Also see Chapter IV: Visual Quality and Urban Design.

(B.2) COMMENT: Project height.

RESPONSE: This comment is noted. The proponent is committed to continuing discussions on a wide range of design issues with The Boston Preservation Alliance.

WM ARTHUR DUPEE
G. D'ANDELOT BELIN
CHARLES F. CHOATE
WILMOT T. POPE
RHODES G. LOCKWOOD
JEROME E. ANDREWS, JR.
HENRY W. MINOT, JR
JEPTHA H. WADE
JOHN M. FERRY
WILL J. BANOS
JAMES C. REIOHAM
NATHANIEL T. DEXTER
ROBERT M. GAROILL
ANDREW L. NICHOLS
THAYER FREMONT-SMITH
MARK A. MICHELSON
WELD S. HENSHAW
MARION R. FREMONT-SMITH
CARLA B. REBWITZ
BRINTON P. ROBERTS
FRANK B. PORTER, JR
JOHN R. WALKEY
KENNETH LAURENCE
ROBERT S. FRANK, JR.
DONALD L. CONNORS
KENNETT F. BURNES
BOARDMAN LLOYD
ALLEN M. BORNHEIMER
EDWARD F. HINES, JR.
F. DAVIS DASSORI, JR.
JEFFREY L. HEIDT
PAUL W. ALLISON
THOMAS F. MAFFEI
GORDON H. SILVER
DEBORAH JACKSON WEISS
ROBERT ROTHBERO
SAMUEL B. BRUSKIN
HOWARD J. LEVITAN
ROSLYN G. DAUM
LARRY C. KENNA

CHARLES F. CHOATE, JR
1899-1927
JOHN L. HALL
1899-1960
RALPH A. STEWART
1904-1926

OF COUNSEL
JOHN M. HALL
JOHN DANE, JR

JOSEPH E. O'LEARY
MICHAEL A. AUSTIN

CHOATE, HALL & STEWART
60 STATE STREET
BOSTON, MASSACHUSETTS 02109
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TELECOPIER (617) 227-7566
TELEX 94-0216

RECEIVED
JUN 1 0 1984
OFFICE OF THE SECRETARY
OF ENVIRONMENTAL AFFAIRS

BY HAND

June 19, 1984

James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Re: Rowes Wharf, E.O.E.A. No. 4992-
Analysis of Project Changes

Dear Secretary Hoyte:

The Beacon Companies have asked us to review their "Notification of Project Changes" ("NPC") regarding the above cited project filed with your office on June 8, 1984, in relation to MEPA Regulations 301 CMR 10.16. We have considered each of the three project changes in relation to the factors specified at 301 CMR 10.16 (2) and conclude that these changes do not significantly increase the environmental consequences of the project and in fact may decrease them. In our view, the minor nature of these changes allow them to be fully covered in the Final EIR. 1

With respect to the criteria specified by the regulations we note:

(a) Size - The Beacon Companies proposed and the Boston Redevelopment Authority has approved a change in the type of construction which will result in an increase of approximately 1' per floor for the built areas of the project. At the greatest height of the project (in two locations along Atlantic Avenue) there will be an increase in total height from 165' to 182', without, however, any increase in the number of stories or the floor area of the project. Similarly, there will be no

change in the mix of uses or their proportions, nor will there be an increase in the population of the project after completion. As set forth in the NPC, the maximum 17' increase in the height of the project has been considered by both the Boston Redevelopment Authority and the Boston Society of Architects review team. The Boston Society of Architects found that the height change "will not significantly alter the project character, scale, or proportions, and will have little apparent affect on the urban environment..." (Attachment 2 to NPC). The BRA made similar findings. (Attachment 3, NPC).

The NPC contains, as Attachment 5, a letter from Frank H. Durgin of the Wright Brothers Facility at MIT which concludes that the change in height is not likely to have a significant effect on the results of the wind studies already being performed at that facility.

Lastly, the question of any increase in shadowing resulting from the additional height can be dealt with in the Final EIR, together with the results of the wind studies. It does not appear that there will be any appreciable change in the views of the harbor since the view corridors at the Northern and Southern ends of the project will be unaffected, and the view through the middle of the project may be slightly increased by a few additional feet. The other two project modifications, the change in the site plan (discussed at Paragraph (e) below) and the reduced parking, will not result in any increase in project size.

b. Use of resources - It does not appear that there will be any significant change in the expected use of resources during or after the completion of the project with the exception that the smaller parking facility is expected to result in fewer vehicle trips. (Attachment 7, NPC). This may result in a reduced consumption of gasoline by those vehicles.

c. Emission of pollutants - The project changes are likely to result in a diminution in the emission of pollutants during and after completion. The change in construction methods is expected to result in a 3 to 6 month shortening of the construction period (Attachment 1, NPC) which will reduce the time during which construction vehicles are travelling to and from the site. The reduced size of the parking facility should result in reduced peak CO concentrations. (Attachment 8, NPC).

d. Change in expected completion date - As noted above, the change in construction methods is expected to result in a reduction of the construction period by 3 to 6 months.

e. Change of project site - The Beacon Companies have altered the project configuration, in response to your comments and the comments of various other parties, to bring all of the project structures and the marine facilities within (i.e. to the landward side of) the combined state harbor line and U.S. Pier and Bulkhead line of 1940. In particular, both the proposed ferry pier and floating pile-moored docks have been moved closer to shore so as not to protrude beyond the state harbor line as established by Chapter 402 of the Acts of 1939. Notwithstanding this change, The Beacon Companies are maintaining the same marina and ferry terminal programs and uses proposed in the Draft EIR.

In addition, the dinghy dock has been moved in response to comments received from the harbor master and assistant harbor master, to an area closer to the anchorages and farther from the path of ferry traffic. These changes are responsive to comments received from you and several other reviewers of the Draft EIR and appear likely to improve the safety of navigation while simultaneously reducing the size of the project site.

f. New permits or financial assistance - We do not expect that the 3 changes outlined in the NPC will require any new permits nor any requests for financial assistance from any state agency. The height change has already been approved by the BRA (Attachment 1, NPC). The pulling back of the marine facilities within the state harbor line will diminish the scope of the hearing under G. L. Chapter 91 as compared with a project extending beyond the state harbor line.

g. Improvements in environmental quality - The proposed marine facilities and ferry terminal will provide definite improvements in the environmental quality of this site by providing increased public access to and use of waterborne transportation and recreation. The reconfiguration of these facilities will not diminish the resulting benefits outlined in the Draft EIR. The redesigned ferry facilities will be able to accommodate the same program and uses initially proposed. The redesigned recreational and transient boating facilities will also be able to accommodate the program and uses originally proposed. Indeed, the redesign should increase the utility and safety of navigation and

boating in the location of the project. The design change increasing the height of the project will have no affect upon public access to the harbor and to the waterfront promenade, nor will it affect the views available at the North, South, and middle of the project, as shown in the Draft EIR. The public and environmental benefits flowing from the redevelopment of the site and the elimination of the blighted area and structurally unsound wharves currently at the site also are not affected by these 3 changes.

In summary, 2 of the 3 changes described in the NPC (reconfiguring the marine facilities inside the state harbor line and cutting the number of parking places) reduce the environmental consequences of the project. The third change (the proposed 1' per floor height increase), has only a minimal and insignificant affect on the project inasmuch as no other environmental factors appear to be substantially affected thereby. In any event, these changes are of such a minor character that they may be properly considered in the Final EIR after The Beacon Companies have received any comments which you, or any of the other reviewers, may have. (The Beacon Companies have circulated copies of the NPC to those persons and entities who made comments on the Draft EIR and should receive any comments on the NPC in time to respond to them in the Final EIR.)

I therefore respectfully suggest that the proposed project changes do not require further documentation at this point in the MEPA review process, but may be covered in the Final EIR.

Thank you for your consideration.

Very truly yours,

Donald L. Connors

DLC/bt

cc: Samuel Mygatt, Esq.

Edwin N. Sidman
The Beacon Companies

Karen Alschuler
Skidmore, Owings & Merrill

LETTER C

Choate, Hall & Stewart
June 19, 1984

(C.1) COMMENT: Analysis of project changes.

RESPONSE: These comments regarding the project changes are noted.

RECEIVED

JUN 27 1984

OFFICE OF THE SECRETARY
OF ENVIRONMENTAL AFFAIRS

June 22, 1984

Secretary Hoyt
Executive Office of Environmental Affairs
20th Floor
Saltonstall Building
100 Cambridge Street
Boston, Massachusetts 02202

Dear Secretary Hoyt:

On behalf of the Harbor Towers I Condominium Association, please accept the following comments concerning the June 7, 1984 Notification of Project Changes Rowes Wharf EOEA #4992 (hereafter referred to as "Notification Report").

The letters from Edwin Sidman of the Beacon companies and Karen Alschuler of Skidmore, Owings & Merrill which accompanied our copy of the "Notification Report" seem to indicate that the "Notification Report" responds to the "Comments on the Draft EIR". I would simply reiterate as outlined in my May 11, 1984 Draft EIR Comments, that the Draft EIR and the "Notification Report" do not adequately address (1) the wind and shadow effect on the swimming pool recreation area of Harbor Towers and (2) the impact of the project on the visual access to the waterfront from the Harbor Towers area. 1

We feel that View C. (page 89 of the Draft EIR and page 6 of the "Notification Report") does not adequately depict the project's visual impact and we request additional views be shown from both the public area off the South East corner of the Harbor Towers Garage and the seawall area 150 feet south of the Harbor Towers I Building. 2

The "Notification Report" references the highest point of the structure (page #1, paragraph #1) and the maximum height of the structures (page #2, paragraph #A-1), but the number 182 refers only to the top of the roof slab over the top residential floor. What is the actual height of the highest point of the structures (not the roof slab, not the parapet wall, but the topmost portion of the building)? We feel this number would be more meaningful to the Layman and would hope that this maximum structure height be reflected in both the wind & shadow and the (Harbor Towers area) visual access studies of the final EIR. 3

Respectfully Submitted on
Behalf of the Harbor Towers I

Condominium Association
85 East India Row, Boston
Massachusetts 02110

TRUSTEE

ABR:jm
cc: Karen Alschuler
Gregory A. Rand
Dorothy C. Kuschner

LETTER D

Harbor Towers I Condominium Association
June 22, 1984

(D.1) COMMENT: Response to Draft EIR.

RESPONSE: The purpose of the Notification of Project Changes was not to respond to all comments on the Draft EIR, but rather to inform the Secretary of Environmental Affairs and the general public of proposed changes in the Rowes Wharf project made subsequent to the submission of the Draft EIR. The response to comments on the Draft EIR precedes this section and includes a full response to the Association's concerns.

(D.2) COMMENT: Views from Harbor Towers.

RESPONSE: Two specific views are noted here as being of concern to the commenter. First is the view from the southeast corner of the Harbor Towers garage. View C, presented in Chapter IV: Visual Quality and Urban Design, shows the view from the northeast corner of the Harbor Towers garage. This is extremely close to the view requested here and is judged to provide the general indication of the pedestrian experience required by MEPA. Both these views, looking south, will focus on the northern promenade and north wharf buildings, which represent the lowest portion of the Rowes Wharf Development and are modeled after the historic pattern of perpendicular wharfs along the Boston Waterfront. The second view specifically noted is from 150 feet south of Harbor Towers I. This view again looking south, will focus on the northern promenade, north wharf condominiums, and marina facilities. Views to the Harbor to the east will remain unobstructed. Sketches included in response to Harbor Towers' earlier letter (see Comment 18.2) provide a general sense of the character of development proposed in this area. Detailed design of facades and landscape treatment proceeds under design review by the BRA and BSA.

(D.3) COMMENT: Maximum height of project.

RESPONSE: As defined in the Boston zoning code, the maximum height of the project will be 182 feet to the roof slab of the last habitable floor and another 18 feet to the top of the parapet of the mechanical penthouses of the north and south structures on Atlantic Avenue. Also see response to Comment 20.1.

Massachusetts Bay Lines, Inc.

Rowes Wharf, 344 Atlantic Ave., Boston, Mass. 02110 (617) 542-8000
Charter Information (617) 749-4500

HARBOR TOURS — CLAMBAKES — PRIVATE CHARTERS

June 21, 1984

RECEIVED
JUN 27 1984
OFFICE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Re: Rowes Wharf, EOEA #4992

Dear Secretary Hoyte:

We appreciate your consideration of our comments on the previous Beacon Companies' submission concerning the Rowes and Foster Wharfs Project. The June 7, 1984 letter to you from the Beacon Companies confirms for the first time what I have long suspected. The Beacon Companies want excursion boat operations eliminated from the Rowes Wharf area. I quote directly from page 3 of attachment 6 to that letter.

"Skidmore, Owings & Merrill

Memorandum
March 1, 1984
Page 3

Assumptions for Planning of Rowes Wharf Ferry Facilities

- Commuter boats only. "

1

Our basic concern and request in our previous comment letter was that at least as many linear feet of this project be devoted to the existing excursion boat operations as has been used in the past. 2

The changed Beacon plan is substantially poorer than the previous plan and definitely does not take into consideration the existing 90-100 foot boats presently using Rowes Wharf. The floats shown in the present plan are similar to the float on the North side of Rowes Wharf used by the high speed commuter boats. Our vessels are too big for these floats. We need, ideally, a much larger two-deck barge, or as we now operate, the ability to tie 3

directly to the wharf area and then depending on the condition of the tide to off load from our upper or lower deck.

The late Edward Rowe Snow called Rowes Wharf "the oldest continuously operated excursion boat pier in the United States." I feel strongly that 150 condominium units should not displace boats which serve hundreds of thousands of passengers each year. During the recent commissioning festival for the sail training ship "Spirit of Massachusetts" our ships supplemented the liberty launches of the U.S. Navy Aircraft Carrier John F. Kennedy moving crew and visitors between the ship anchored near Deer Island and Rowes Wharf. In that single week over fifty thousand people used Rowes Wharf as a passenger terminal. The present Beacon Companies plans do not adequately provide for Rowes Wharf to continue its present maritime activities. We ask that provisions be made in the Beacon plan to continue these long standing activities. Thank you for your consideration. 4

Very truly yours,

William J. Spence

W. J. Spence
President

WJS:ks

LETTER E

Massachusetts Bay Lines, Inc.
June 21, 1984

(E.1) COMMENT: Excursion boats eliminated.

RESPONSE: As noted in The Beacon Companies' letter to Secretary Hoyte on June 29, 1984 (see following Attachment 1), the intent of the March 1, 1984 memorandum was to focus on the uses of the enclosed terminal that Beacon had agreed to provide as part of the development package. The program recommendations were developed after extensive interviews with the ferry operators, state and local officials, and public interest groups. In discussions with Mr. Spence, as well as other operators, the need for enclosed space appeared to be primarily necessary for commuters. Mr. Spence made the point that excursions only ran in good weather and, therefore, it made sense to plan the enclosed space for commuters. With that in mind, the memorandum considered requirements for the terminal (enclosed space) in terms of commuter services. However, planning for the ferry services has evolved from existing operations at Rowes and continues to be based on a mixture of excursion and commuter services.

(E.2) COMMENT: Boat operations space.

RESPONSE: The proposed dockage space will total approximately 265 linear feet and has been developed to accommodate boats from under 55 feet to over 100 feet in length. This space is being carefully designed to fully meet the needs of a variety of users, both existing, such as Spence, English and Casey, and those who may start up operations in the future, such as water taxis.

Should additional dockage space be required, the proponent will work closely with the appropriate public agencies to establish expansion strategies. Presently, expansion space is being considered between the Rowes Wharf ferry dock and the dock at 400 Atlantic Avenue, which will add approximately 130 feet. Floating docks could also be utilized to accommodate special events.

(E.3) COMMENT: Adequacy of floats.

RESPONSE: The proposed float, approximately 265 linear feet, will be built according to sound engineering practices, and will have fenders to absorb impacts and protect the boats. In contrast to the current fixed-level piers, the floating dock will provide more flexibility for boat operators and, according to marine experts, is

a preferable docking system. A floating dock ensures a fixed distance vis-a-vis the boat deck and the dock as this distance is not contingent on the tide as is the case with fixed-level docks. Consequently, a permanent set of steps or portable stairs can be used to access the preferred rather than "tide-necessitated" points of entry/exit on the boat. If two points of entry/exit are desired, two separate stairways or a tiered stairway can be used.

The proponent plans to continue discussions with Mr. Spence regarding the terminal and the float's characteristics in order to ensure its match with his needs.

(E.4) COMMENT: Continuation of maritime activities.

RESPONSE: As detailed above, the proponent is committed to developing and maintaining maritime facilities that enhance the Harbor's water transportation program. There will continue to be meetings/conversations with ferryboat operators, Harbor groups, the Water Transportation Task Force, and other interested parties to refine the terminal design and to create a successful, effective plan.

ATTACHMENT 1

The Beacon Companies

One Post Office Square
Boston, Massachusetts 02109
(617) 451-2100

RECEIVED

JUN 2 6 1984

OFFICE OF THE SECRETARY
OF ENVIRONMENTAL AFFAIRS

June 29, 1984

James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Re: Rowes Wharf, EOEA #4992

Dear Secretary Hoyte:

There are several comments we would like to address which were raised by William Spence of Massachusetts Bay Lines in response to the Notification of Project Change for Rowes Wharf submitted June 21, 1984.

The intent of the memorandum of March 1, 1984, to which Mr. Spence refers, was to focus on the uses of the enclosed terminal that Beacon had agreed to provide as part of the development package. The program recommendations described in the memorandum were developed after extensive interviews with the ferry operators, State and local officials, and public interest groups. In discussions with Bill Spence, as well as other operators, the need for enclosed space appeared to be primarily necessary for commuters. Mr. Spence made the point that excursions only ran in good weather and, therefore, it made sense to plan the enclosed space for commuters. With that in mind, the memorandum considered requirements for the terminal (enclosed space) in terms of commuter services. However, we would like to emphasisze that planning for the ferry services evolved from existing operations at Rowes and continues to be based on a mixture of excursion and commuter services.

The proposed dockage space will total approximately 265 linear feet and has been developed to accommodate boats from under 55 feet to over 100 feet in length. This space is being carefully designed to fully meet the needs of a variety of users, both existing, such as Spence, English and Casey, and those who may start up operations in the future, such as water taxis.

The proposed float is of substantial size (26 feet wide by 200 feet long) and construction material to accommodate all the ferryboats. In contrast to the current fixed-level piers, the floating dock will provide more flexibility for boat operators and, according to marine experts, is a preferable docking system. A floating dock ensures a fixed distance vis-a-vis the boat deck and

the dock as this distance is not contingent on the tide, as is currently the case for Mr. Spence. Consequently, a permanent set of steps or portable stairs can be used which access the preferred rather than "tide-necessitated" points of entry/exit on the boat. If two points of entry/exit are desired, two separate stairways or a tiered stairway can be used. The Beacon Companies plans to continue their discussion with Mr. Spence regarding the terminal and the float in order to ensure its match with his needs.

In conclusion, The Beacon Companies would like to underscore their commitment to developing and maintaning maritime facilities which enhance the Harbor's water trasportation program. Beacon will continue to work with the ferryboat operators, harbor groups, and the Water Transportation Task Force to refine our design and to create a successful, effective plan.

Sincerely,

Edwin N. Sidman
President

cc: Samuel Mygatt
Jacquelyn Wilkins
Carol Gladstone
Karen Alschuer

U.S. Department of Transportation
United States Coast Guard

Commander
First Coast Guard District

150 Causeway Street
Boston, MA 02114
Staff Symbol: dpl
Phone: 223-7562

16475
20 JUN 1984

RECEIVED
JUN 25 1984
OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

MEPA Unit 4992
Executive Office of Environmental Affairs
100 Cambridge Street, 20th Floor
Boston, MA 02202

Dear Ms. Wilkins:

The notification of Project Changes for the Rowes Wharf Development has been reviewed. The project changes reflect Coast Guard comments on the DEIR forwarded by my letter dated May 9, 1984.

The revised site plan indicates that the project will be constructed within the US Pier and Bulkhead line. The revised site plan also reflects a modification of the ferry terminal to include an extensive floating platform to accommodate boardings. This facility extends to the US Pier and Bulkhead line. The relationship between this facility and the adjacent public landing at 400 Atlantic Avenue is unclear from the report graphics and text. However, I understand discussions are ongoing between the developers to achieve a compatible configuration between the faces of the landings. 1

In summary, the revised plan reduces effects on navigation and anchorage areas. As indicated previously, the Coast Guard will consider proposals to modify the boundaries of the Special Anchorage Areas to improve navigational access to the proposed waterfront facilities.

If you have any questions or comments please contact me at 223-7562.

Sincerely,

P. V. Kaselis
Environmental Protection Specialist
First Coast Guard District
By direction of the Commander

Copy: Ralph Atkinson
Carol Gladstone
Karen B. Alschuler

LETTER F

United States Department of Transportation
United States Coast Guard
June 20, 1984

(F.1) COMMENT: Relationship of float to 400 Atlantic Avenue.

RESPONSE: The proponent is discussing with the owners of 400 Atlantic Avenue the possibility of providing continuous parallel docking along the proposed Rowes Wharf ferry pier to the 400 Atlantic Avenue dock. A special float would have to be designed to provide the necessary alignment between the two sites. Implementation of this special float is subject to coordination with and cooperation of the owners of 400 Atlantic Avenue.

DISTRIBUTION OF THE FINAL EIR

The Final EIR was distributed to the City, state, and federal agencies and interested parties listed below. This list includes those entities that MEPA regulations require as part of the legal review of this document, community groups with a special interest in the waterfront, and a variety of others who attended the initial scoping meeting or have commented on the project since the filing of the Environmental Notification Form. Any individual may request a copy of this Final EIR from Rebecca Packard, Skidmore, Owings & Merrill, 334 Boylston Street, Boston, MA 02116 (617-247-1070).

Comments regarding the Final EIR should be submitted to:

Secretary
Executive Office of Environmental Affairs
Leverett Salstonstall Building
100 Cambridge Street
Boston, MA 02202

CITY AGENCIES

Boston Redevelopment Authority

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Boston Redevelopment Authority (BRA)
One City Hall Plaza
Boston, MA 02201

Paul McCann
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John Sayers
BRA
One City Hall Plaza
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Others

Lorraine M. Downey
Executive Secretary
Boston Conservation Commission
Room 813
Boston City Hall
Boston, MA 02201

David Moss
Boston Conservation Commission
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Boston, MA 02201

John P. Sullivan, Jr.
Director of Engineering
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10 Post Office Square
Boston, MA 02109

Charles Button
Boston Water and Sewer Commission
10 Post Office Square
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Libby Blank
Engineering Department
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Boston, MA 02109

Jeff Boehm
Boston Air Pollution Control Commission
1 City Hall Square
Boston, MA 02201

Phil Caruso
Boston Parking and Traffic Commission
1 City Hall Square
Boston, MA 02201

Carmine Buono
Boston Department of Public Works
1 City Hall Square
Boston, MA 02201

Judy McDonough
Survey Director
Boston Landmarks Commission
The Environment Department
Room 813
Boston City Hall
Boston, MA 02201

Marcia Myers
Boston Landmarks Commission
The Environment Department
Boston City Hall, Room 805
Boston, MA 02201

STATE AGENCIES

Department of Environmental Quality Engineering

Bill Slagle/Glen Haas
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Appendix 1

Environmental Notification Form, EOEA Determination of Scope, and Comments on the ENF

The Environmental Notification Form (ENF), included on the following pages, was filed with the Massachusetts Executive Office of Environmental Affairs and noticed in the Environmental Monitor on November 23, 1983.

A Determination of Scope was derived from agency review and from letters received in response to the ENF. These steps preceded the preparation of this Draft Environmental Impact Report.

APPENDIX A
COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

ENVIRONMENTAL NOTIFICATION FORM

I. SUMMARY

A. Project Identification

1. Project Name Rowes/Fosters Wharf

2. Project Proponent The Beacon Companies
   Address One Post Office Square, Boston MA 02109

B. Project Description: (City/Town(s) Boston

1. Location within city/town or street address Parcel bounded by Atlantic Avenue, the Harbor Towers Development, Boston Inner Harbor, and the 400 Atlantic Avenue Building.
2. Est. Commencement Date: 1984 Est. Completion Date: 1988
   Approx. Cost $ 130 million Current Status of Project Design: 10 % Complete

C. Narrative Summary of Project

The proposed project on Rowes/Fosters Wharf will establish an active new mixed-use development on the Boston Waterfront including residences, offices, general retail and restaurant uses, a small executive suite hotel, a ferry terminal, marina, public open space and auxiliary and related uses. Located at the southern terminus of Boston's Downtown/Waterfront Urban Renewal Area, the 3.82-acre parcel is bounded by the Boston Inner Harbor, the Atlantic Building, Atlantic Avenue, and the Harbor Towers Development.

The program of uses and overall design for this site are based upon many years of planning by the Boston Redevelopment Authority (BRA) including the Urban Renewal Plan and the Boston Harbor Plan, prepared with the participation of a citizen group in 1979 which included 40 to 100 people. This was followed by specific program and design guidelines prepared in conjunction with the Boston Society of Architects (BSA) and issued as a request for proposals (RFP) for redevelopment of Rowes/Fosters Wharf in 1982. That RFP resulted in a one-year competition between a number of development groups before The Beacon Companies received tentative designation as developer by vote of the BRA which holds title to the site.

At present, the site consists of overgrown and deteriorating paved areas and dilapidated piers. The BRA leases a portion of the site for parking and a portion for commuter and excursion ferry services. The remainder of the site is barricaded from the public due to its dilapidated condition.

Plans for the site are consistent with detailed design guidelines prepared by the BRA and the Boston Society of Architects. Structures adjacent to Atlantic Avenue, contain offices, residential uses, and hotel suites. Five public entrances, including a grand central court, provide access to the site and the water. The area of open water within the boundaries of the site has been increased over existing conditions. Wharf-like residential structures extend along finger piers into the water and reflect the style of existing residential areas to the north. The ferry terminal pavilion occupies the southern portion of the site with indoor and outdoor waiting areas which will service excursion and commuter boats as well as an eventual water taxi service. A marina will extend from the tips of the piers and cluster within the inlets. Retail establishments and restaurants will line the most active walkways. Approximately 2/3 of the project is devoted to public open space including walkways, plazas, and landscaped areas inviting access through the site and along the full water perimeter.

Copies of this may be obtained from:
Name: Karen B Alschuler Firm/Agency: Skidmore, Owings & Merrill
Address: 334 Boylston Street, Boston, MA 02116 Phone No. (617) 247-1070

979 THIS IS AN IMPORTANT NOTICE. COMMENT PERIOD IS LIMITED.
For Information, call (617) 727-5830

Vehicular and service access will be from Atlantic Avenue, with parking for 450-500 cars provided below grade on three levels.

The anticipated distribution of square feet by use is as follows:

Parking	450-500 spaces
Residential Condominiums (150 units)	235,000 SF
Office	265,000 SF
Hotel (160 suites)	130,000 SF
Health Club	10,000 SF
General Retail and Restaurant	17,000 SF
Ferry Terminal	8,000 SF
	665,000 SF

This development plan is the culmination of many years of planning by public agencies and citizens and is consistent with the goals, objectives and design guidelines of those plans. The general design principles of the Urban Renewal Plan, the Boston Harbor Plan, and BRA and BSA redevelopment guidelines have directed the proposed development plan for Rowes/Fosters Wharf described in this ENF. These principles stress:

- o Maximum opportunity for visual and pedestrian access to the waters edge.
- o An orderly sequence and hierarchy of open spaces and views.
- o A finger-like outline of the wharves.
- o Integration of old and new buildings and spaces through a careful relationship of scale and materials.

This project is one which is categorically included and therefore automatically requires preparation of an Environmental Impact Report: YES_____ NO___X___

D. Scoping (Complete Sections II and III first, before completing this section.)

1. Check those areas which would be important to examine in the event that an EIR is required for this project. This information is important so that significant areas of concern can be identified as early as possible, in order to expedite analysis and review.

	Construction Impacts	Long Term Impacts		Construction Impacts	Long Term Impacts
Open Space & Recreation		X	Mineral Resources		
Historical			Energy Use		X
Archaeological			Water Supply & Use		X
Fisheries & Wildlife	X		Water Pollution	X	
Vegetation, Trees			Air Pollution	X	X
Other Biological Systems			Noise	X	X
Inland Wetlands			Traffic	X	X
Coastal Wetlands or Beaches			Solid Waste	X	X
Flood Hazard Areas	X	X	Aesthetics		X
Chemicals, Hazardous Substances,			Wind and Shadow		X
High Risk Operations			Growth Impacts		X
Geologically Unstable Areas			Community/Housing and the Built		
Agricultural Land			Environment		X
Other (Specify)_____					

2. List the alternatives which you would consider to be feasible in the event an EIR is required.

Design and program modifications which would help to maintain active public use of this site and be consistent with the overall site program might include: variations in the mix of site uses, a telecommunications facility or other centralized facilities available to site tenants, and public uses related to the Ferry Terminal and marina such as an exhibit area, marine service or retail facilities, and a sailing club. A no-build alternative would be included in order to have a base for comparing project effects.

E. Has this project been filed with EOEA before? Yes _____ No X
If Yes, EOEA No. _____ EOEA Action? _____

F. Does this project fall under the jurisdiction of NEPA? Yes X No _____
If Yes, which Federal Agency? Army Corps of Engineers NEPA Status? Submission of Dept. of Army Permit pending.

G. List the State or Federal agencies from which permits will be sought:

U.S. Army Corps of Engineers	Department of Army Permit
Mass. Office of Coastal Zone Mngt.	Determination of Consistency
Exec. Office of Environ. Affairs	ENF, DEIR, FEIR
Mass. Department of Environmental Quality Engineering	Waterways License, Ch. 91
	Approval of Floats and Rafts, Ch. 91, S.10A
	Wetlands Order of Conditions, Ch. 121, S.40
	Water Quality Certification
	New Sources of Air Contaminants Review
	Sewer Extension Permit, Ch. 21, S.43
Mass. Department of Public Works	Curb Cut Permit
Metropolitan District Commission	Industrial User Discharge Permit and possibly other MDC permits under Ch. 92.
Mass. Historical Commission	Possible determination under 950 CMR 71.00 et seq., and Section 106 review.

H. Will an Order of Conditions be required under the provisions of the Wetlands Protection Act (Chap. 131, Section 40)?
Yes X No _____
DEQE File No., if applicable: _____

I. List the agencies from which the proponent will seek financial assistance for this project:

Agency Name	Funding Amount
Federal Highway Administration (FHWA)	
Urban Mass Transit Authority (UMTA)	
Massachusetts Industrial Finance Agency (MIFA)	
Boston Industrial Development Finance Agency (BIDFA)	

II. PROJECT DESCRIPTION

A. Include an original 8½ x 11 inch or larger section of the most recent U.S.G.S. 1:24,000 scale topographic map with the project area location and boundaries clearly shown. Include multiple maps if necessary for large projects. Include other maps, diagrams or aerial photos if the project cannot be clearly shown at U.S.G.S. scale. If available, attach a plan sketch of the proposed project. (Attached)

B. State total area of project: 166,400 square feet (3.82 ± acres)
Estimate the number of acres (to the nearest 1/10 acre) directly affected that are currently:

1. Developed ..... ___ acres
2. Open Space/Woodlands/Recreation 3.25 acres*
3. Wetlands ..... ___ acres
4. Floodplain ..... ___ acres
5. Coastal Area ..... 0.57 acres**
6. Productive Resources
   - Agriculture ..... ___ acres
   - Forestry ..... ___ acres
   - Mineral Products ..... ___ acres

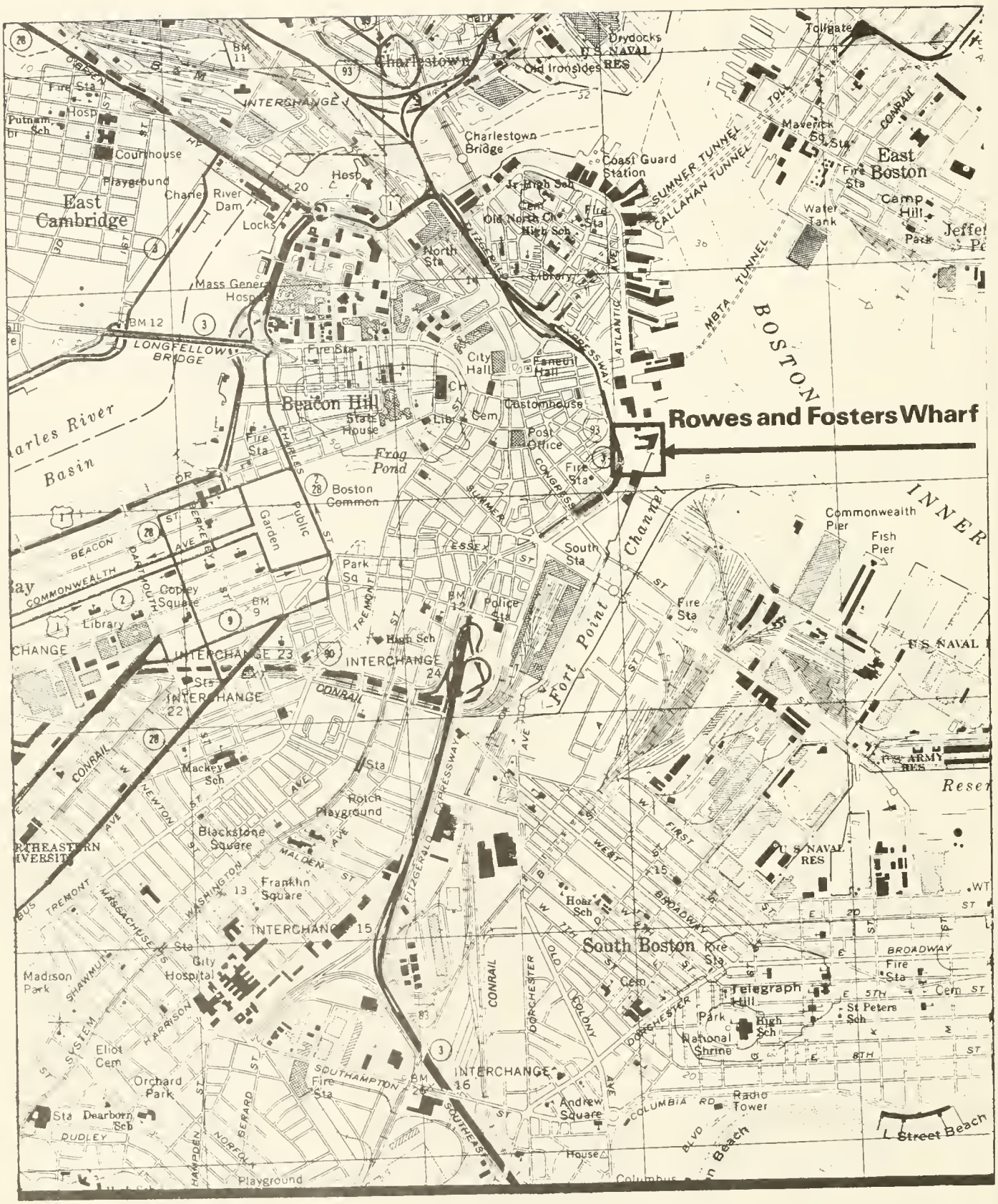
* Pier and upland area, currently used for surface parking.
** Open water.

C. Provide the following dimensions, if applicable:
Length in miles _____ Number of Housing Units 150 proposed Number of Stories 7 to 16 proposed

	Existing	Immediate Increase Due to Project
Number of Parking Spaces	220	230-280
Vehicle Trips to Project Site (average daily traffic) [1]	290	820
Estimated Vehicle Trips past project site [2]	19,000	820

1/ Atlantic Avenue Northbound, south of site driveway. Expressed as one-way trips since Atlantic Avenue is a one-way facility.
2/ The figures are expressed as directional trips to the site.

D. If the proposed project will require any permit for access to local or state highways, please attach a sketch showing the location of the proposed driveway(s) in relation to the highway and to the general development plan; identifying all local and state highways abutting the development site; and indicating the number of lanes, pavement width, median strips and adjacent driveways on each abutting highway; and indicating the distance to the nearest intersection. (Not Applicable)

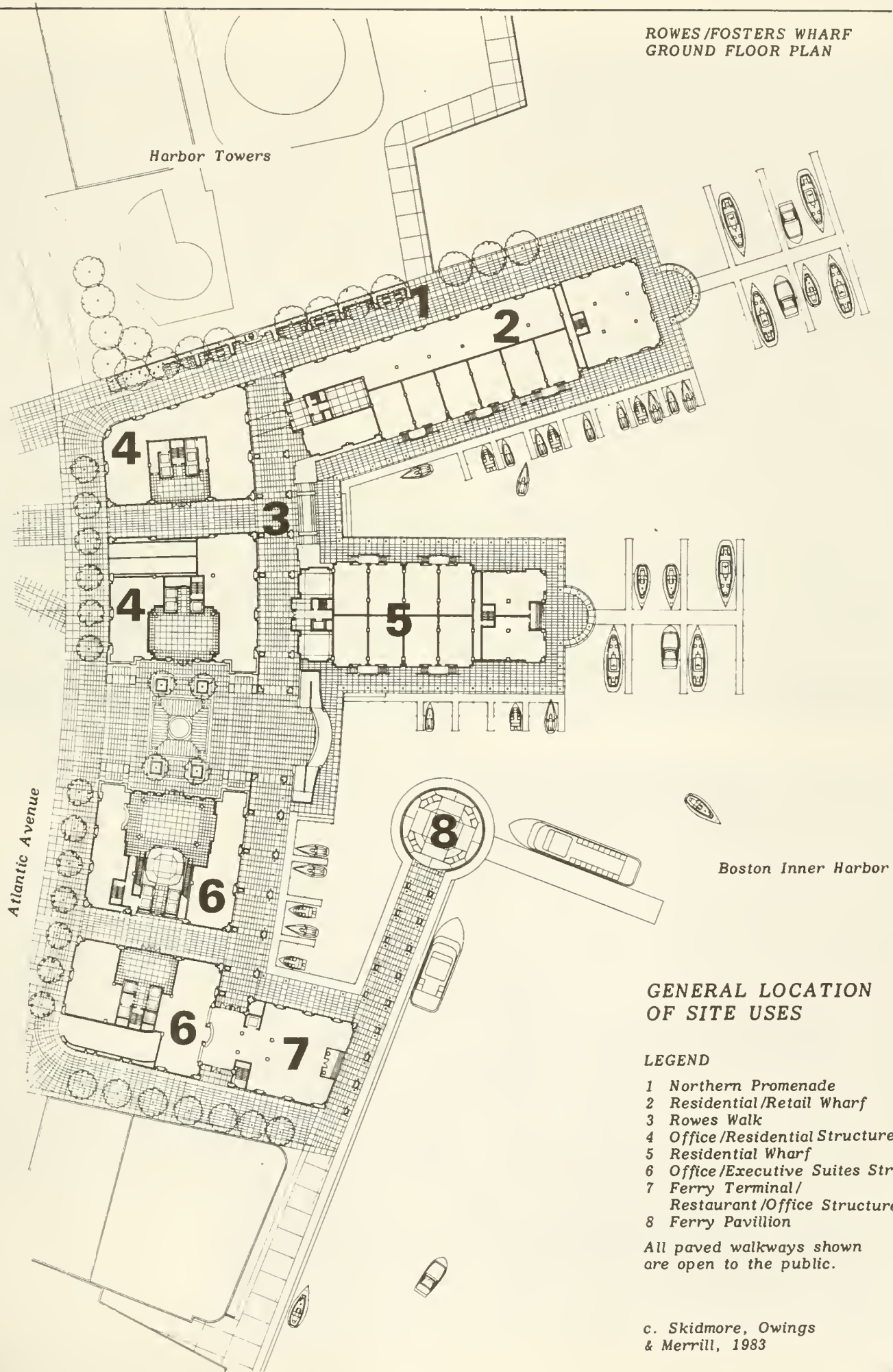


Locus Map: Rowes and Fosters Wharf

Scale 1:25,000

Boston, Massachusetts

ROWES/FOSTERS WHARF
GROUND FLOOR PLAN



GENERAL LOCATION OF SITE USES

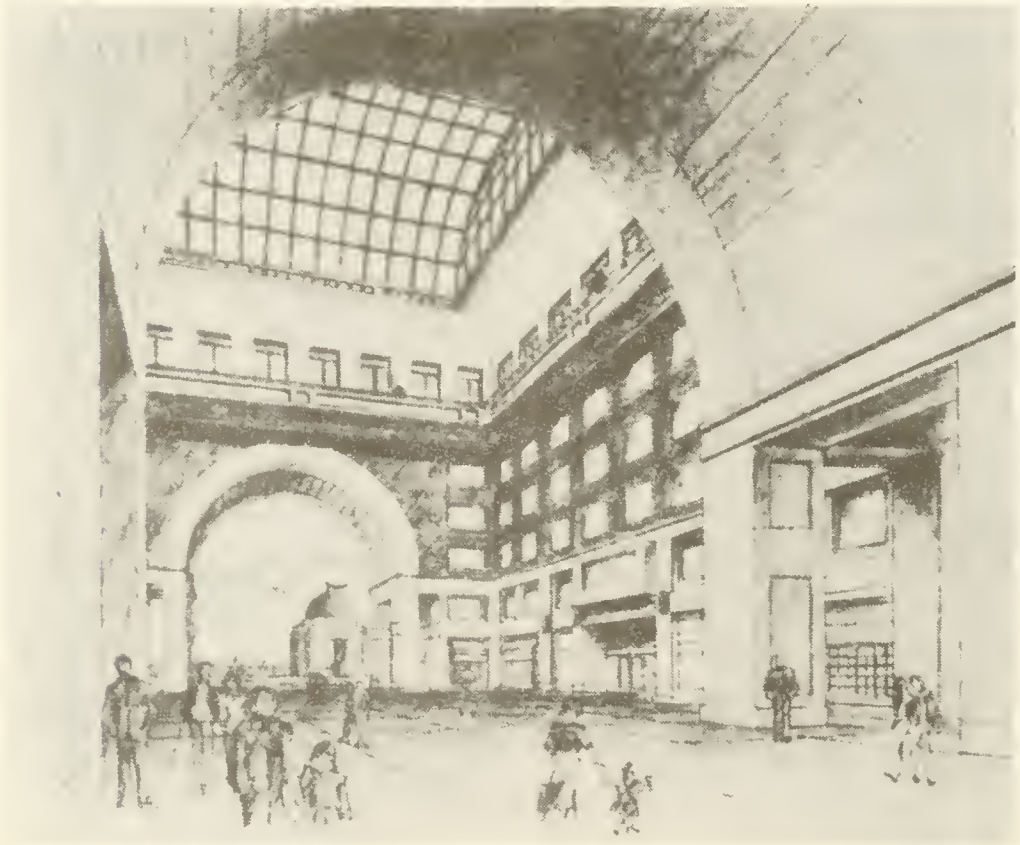
LEGEND

1 Northern Promenade
2 Residential/Retail Wharf
3 Rowes Walk
4 Office/Residential Structure
5 Residential Wharf
6 Office/Executive Suites Structure
7 Ferry Terminal/
Restaurant/Office Structure
8 Ferry Pavillion

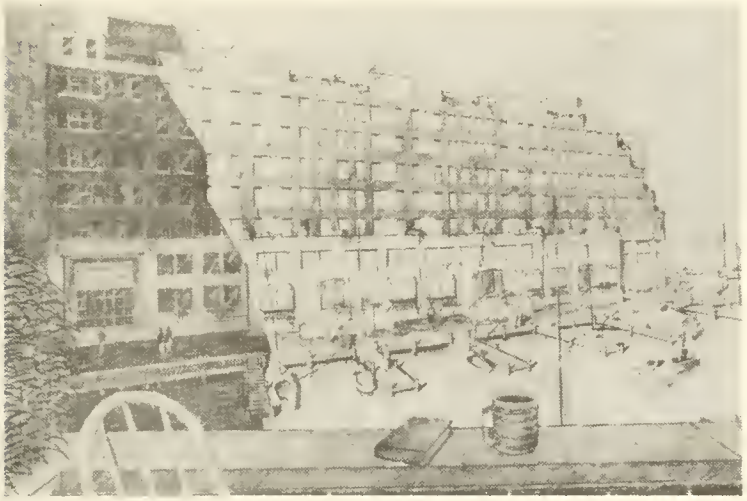
All paved walkways shown
are open to the public.

c. Skidmore, Owings
& Merrill, 1983

▲ *Design study for water approach to Rowes/Fosters Wharf.*



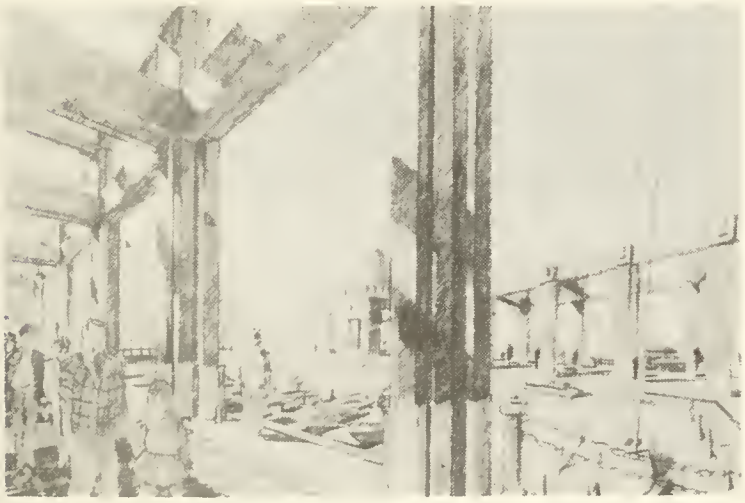
◀ *Design study for entrance court--60 foot high arch framing entrance to skylighted court.*



View of Residential Wharf and Marina.

Ferry Pavillion--waiting, loading, public viewing area.

Northern Promenade at entrance to Rowes Walk.



View of Ferry Pavillion from Rowes Walk.

III. ASSESSMENT OF POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS

Unless otherwise stated, the following information is based on technical analysis conducted by the firms of Skidmore, Owings & Merrill; Jason M. Cortell and Associates, Inc.; Vanasse-Hangen Design, Inc.; and HMM Associates, Inc.

A. Open Space and Recreation

1. Might the project affect the condition, use or access to any open space and/or recreation area?
   Yes __X__ No _____

The presence of and access to open space and the waterfront will be significantly improved as a result of this project. Extensive public access (including handicapped) will be provided to the waterfront, to and through the site, and along the parcel's entire perimeter. A pedestrian street, running north-south, will provide interior access and visually link the parcel to other waterfront attractions. The "walk-by-the-sea" will be continued along the water's edge and around the site's entire perimeter. Approximately two-thirds of the site will be devoted to public open space and urban recreational activities. This will include a grand entrance, arch and court at the Broad Street vista, a mini-park and picnic area along the northern edge, and numerous protected and open walkways. Special activity nodes also include the ferry terminal and the 50-slip marina, including dinghy dock and transients slips. Improvements in property access are also anticipated through modifications to traffic patterns and improved pedestrian crossings of Atlantic Avenue. With the planned depression of the Central Artery, real and visual site access could be greatly enhanced.

B. Historic Resources

1. Might any site or structure of historic significance be affected by the project? Yes _____ No __X__

The site contains no historically-significant structure. Nearby National Register properties include the Custom House District, Russia Wharf Buildings, and the Long Wharf and Customhouse Block (a National Historic Landmark). The Fort Point Channel District is considered eligible for listing in the State Register. The project is expected to have a beneficial impact on these nearby historic areas. An unattractive, dilapidated portion of Boston's waterfront will be improved and the new development will reflect the historic pattern of harbor development by maintaining the area's characteristic pier contours, recapturing the flavor of older structures along the water- front, and highlighting the historic Broad Street view of the Harbor.

2. Might any archaeological site be affected by the project? Yes __X__ No _____

According to discussions with the Massachusetts State Archaeologist, the presence of the existing parking lot and the character of property use since the 1800's reduce the likelihood of on-site archaeological resources. However, the site will be carefully examined for any artifacts of archaeologic significance.

C. Ecological Effects

1. Might the project significantly affect fisheries or wildlife, especially any rare or endangered species?
   Yes _____ No __X__

The occurrence of any threatened or endangered species in Boston Inner Harbor and Fort Point Channel is highly unlikely, according to Paul Nickerson of the USFWS and Charles Philbrook of the National Marine Fisheries Service. While nearly 50 finfish species are commonly noted in the project area (MASSPORT EIR, 1980) including winter flounder, rainbow smelt, and blueback herring, the proposed project involves only limited dredging and filling. Accordingly, potential impacts to these resources are limited. All upland portions of the project area are developed, and wildlife resources are not a consideration.

2. Might the project significantly affect vegetation, especially any rare or endangered species of plant?
Yes _____ No X
(Estimate approximate number of mature trees to be removed: _____)

The project site--currently a parking lot and ferry terminal--contains no significant vegetation. Although project development will necessarily cause some degree of dust during construction, this impact will be minor and temporary. Viewed in the long-term, this project will create a new attractive, landscaped environment through its provision of a number of open space areas.

3. Might the project alter or affect flood hazard areas, inland or coastal wetlands

All of the project area is within the 100-year flood zone, below the 10.3 ft. MSL tide level estimated by ACOE. The land area is old fill, protected by bulkheads. While not supporting marsh vegetation or shellfish beds, the project area is subject to the provisions of the Wetlands Protection Act. Initial project planning has been for a pile and deck system with piles set 10-15 feet on center. A number of alternative foundation systems will be evaluated during design development. Within the boundaries of the site, the area of open water will be substantially increased to approximately 40,000 square feet.

4. Might the project affect shoreline erosion or accretion at the project site, downstream or in nearby coastal areas? Yes _____ No X

Explanation and Source:

The project area is part of the shoreline of the outer section of Fort Point Channel, all of which is filled land protected by bulkheads or other structures. While some alteration in the shoreline will occur, possibly having a minor effect on local currents, it will not affect erosion or accretion of the shoreline.

5. Might the project involve other geologically unstable areas? Yes _____ No X

Haley & Aldrich have conducted preliminary subsurface investigations of the project area. These studies show the land area to contain miscellaneous fill (5-15') over an organic silt, with clay and glacial till at depth. The substrate in open water areas consists of 0.5-2 ft. of organic muck underlain by the dense "Boston Blue Clay" (Third Harbor Tunnel Environmental Impact Statement, 1982). Foundations for structures along Atlantic Avenue will require excavation of both the fill and organic silt. The other structures can be supported on piles driven into the clay.

D. Hazardous Substances

1. Might the project involve the use, transportation, storage, release, or disposal of potentially hazardous substances?
Yes X No _____

Explanation and Source:

Project construction (but not subsequent operation) will require the use of potentially hazardous materials including oil-based substances for equipment maintenance and roadway paving, and entrainment fluids for use in concrete mixing as per typical construction practices.

E. Resource Conservation and Use

1. Might the project affect or eliminate land suitable for agricultural or forestry production?
Yes _____ No X
(Describe any present agricultural land use and farm units affected.)

Explanation and Source:

The project site is located within the midst of a densely-developed urban area supporting no agricultural or forestry production. The site is not suitable for agricultural use.

2. Might the project directly affect the potential use or extraction of mineral or energy resources (e.g., oil, coal, sand & gravel, ores)? Yes _____ No X

Explanation and Source:

No mineral or energy resources are known to exist on site.

3. Might the operation of the project result in any increased consumption of energy? Yes _____ No X

The proposed project will result in increased energy consumption. Arrangements with the electrical power utility, Boston Edison, will be made to insure the supply of sufficient power and that installed equipment (i.e., transformers, power lines, underground ducts, and so forth) is compatible with the development. Building design standards for insulation, solar orientation, and other energy-related features will ensure efficient energy use. Construction will meet all applicable codes, including requirements of Article 20 (Energy) of the Massachusetts State Building Code.

F. Water Quality and Quantity

1. Might the project result in significant changes in drainage patterns? Yes _____ No X

The project area is virtually entirely impervious and drains to the Fort Point Channel. The proposed structures will not significantly alter this pattern. Relocation of local storm drains may be necessary, and the addition of storm drains for paved vehicle accessways and walkways will be required to prevent localized ponding of storm water.

2. Might the project result in the introduction of pollutants into any of the following:
(a) Marine Waters ..... Yes X No _____
(b) Surface Fresh Water Body ..... Yes _____ No X
(c) Ground Water ..... Yes _____ No X

Explain types and quantities of pollutants.

Some pollutants will be introduced to the marine environment during construction operations (pile driving, rehabilitation of bulkheads, etc.). This will consist both of sediment suspension (turbidity) and some release of pollutants from disturbed material. Dewatering of the excavation area for the parking garage/foundations will also introduce some pollutants to Fort Point Channel.

3. Will the project generate sanitary sewage? Yes X No _____
If Yes, Quantity: 81,550* gallons per day
Disposal by: (a) Onsite septic systems ..... Yes _____ No X
(b) Public sewerage systems ..... Yes X No _____
(c) Other means (describe) _____

*Based on standards listed in DEQE Title 5 -- Sanitary Sewage, as applied to the proposed mixed-use plan outlined in Section I.C.

4. Might the project result in an increase in paved or impervious surface over an aquifer recognized as an important present or future source of water supply? Yes _____ No X

The aquifer underlying Boston, including the Harbor, is not recognized as an important present or future source of water supply. Furthermore, the proposed project will not affect water use in the Fort Point Channel or Boston Inner Harbor.

5. Is the project in the watershed of any surface water body used as a drinking water supply?
Yes _____ No X
Are there any public or private drinking water wells within a 1/2-mile radius of the proposed project?
Yes _____ No X

Explanation and Source:

According to the Boston Water and Sewer Commission, there are no known water supplies, as described above. Drinking water is supplied via the Boston water distribution system, which is served by the Metropolitan District Commission.

6. Might the operation of the project result in any increased consumption of water? Yes X No _____
Approximate consumption 93, 782* gallons per day. Likely water source(s) Boston Water and Sewer Comm.

Explanation and Source:

*Based on standards listed in DEQE Title 5 -- Sanitary Sewage, plus 15%.

7. Does the project involve any dredging? Yes X No _____
If Yes, indicate:
Quantity of material to be dredged _____
Quality of material to be dredged _____
Proposed method of dredging _____
Proposed disposal sites _____
Proposed season of year for dredging _____

Explanation and Source:

Some minor dredging and filling may be required, although quantities have not been determined. This limited filling will occur landside of the generalized existing seawall line. Analysis of nearby Fort Point Channel sediments in conjunction with the Third Harbor Tunnel Environmental Impact Statement indicates that the organic muck, estimated to be 0.5-2.0 ft. thick in the project area, is highly contaminated (Class 3 material). The underlying Boston Blue Clay, however, is clean sediment. The method of dredging and disposal of excess material, if any, has not been determined.

G. Air Quality

1. Might the project affect the air quality in the project area or the immediately adjacent area?
Yes __X__ No _____

The only air pollution generated by the project will be from motor vehicles visiting the site and using the underground parking garage. Emissions from the garage will be vented to minimize any adverse environmental impacts. Presently, the site is used as a commuter parking area and for parking and operations related to excursion/ferry use. Additional traffic generated by this project could increase air pollution levels slightly along Atlantic Avenue. Short-term air quality impacts from fugitive dust will also occur during construction.

2. Are there any sensitive receptors (e.g., hospitals, schools, residential areas) which would be affected by any pollution emissions caused by the project, including construction dust? Yes __X__ No _____

Explanation and Source:

Sensitive receptors in the area include public portions of the water-front, the residential and hotel component of this project, and the adjacent Harbor Towers residential community.

3. Will access to the project area be primarily by automobile? Yes __X__ No _____

Although primary access to the site will be by automobile, a significant number of trips will be made via commuter boats docking at the Wharf. The Rowes Walk portion of the development will increase pedestrian access to the site and contribute to the City's growing network of areas amenable to people on foot. Furthermore, the "walk-by-the-sea" will be continued along the water's edge and around the site's entire perimeter. Access between the project and the financial district will also be improved through modifications to traffic patterns and improved pedestrian crossings of Atlantic Avenue and the Surface Artery.

H. Noise

1. Might the project result in the generation of noise? Yes __X__ No _____

Explanation and Source:
(Include any source of noise during construction or operation, e.g., engine exhaust, pile driving, traffic.)

Noise will be generated during the construction phase, primarily by earth-moving equipment, demolition, and pile emplacement activities. Current noise levels at the site are high due to its proximity to the elevated Central Artery and Surface Artery. No significant long-term noise effects are anticipated as a result of increased levels of vehicular drop-off activity at the site.

2. Are there any sensitive receptors (e.g., hospitals, schools, residential areas) which would be affected by any noise caused by the project? Yes __X__ No _____

Explanation and Source:

Sensitive receptors in the area include portions of the waterfront, the residential and hotel component of this project, and the adjacent Harbor Towers residential community.

I. - Solid Waste

1. Might the project generate solid waste? Yes _X_ No _____

The project will generate approximately 3,489 tons* of solid waste per year which will be handled through a contract disposal service. Construction debris disposal will be the responsibility of the developer and contractors.

*Based on standards derived from A Primer on Industrial Environment Impact, Michael R. Greenberg, et al, Rutgers Center for Urban Policy Research, 1979, as applied to the proposed mixed-use plan outlined in Section I.C.

J. Aesthetics

1. Might the project cause a change in the visual character of the project area or its environs? Yes _X_ No _____

The project will dramatically improve the visual character of the site, providing a marina, a new ferry terminal, other new buildings, and attractive open space areas. Consistent with the Urban Renewal Plan Design Principles, wharfs will extend into the water, reflecting the historic pattern of harbor development. Residential structures have also been designed to recapture the flavor of older areas along the waterfront, and materials such as granite and wood will reinforce this link.

2. Are there any proposed structures which might be considered incompatible with existing adjacent structures in the vicinity in terms of size, physical proportion and scale, or significant differences in land use? Yes _____ No _X_

The proposed project is compatible and complementary to neighboring land uses and area character. The residential design draws on the traditional character of waterfront wharf structures. Mixed-use structures along Atlantic Avenue respond in height and massing to adjacent buildings to the south and older commercial structures across the Central Artery. Public plans for the area call for a proper integration of buildings and spaces along the waterfront through a careful use of scale and materials. This objective as well as the Boston Society of Architects guidelines are fully met by the Rowes/Fosters design.

3. Might the project impair visual access to waterfront or other scenic areas? Yes _____ No _X_

Public access to harbor views is assured by the project's comprehensive access/circulation plan. It includes an elaborate system of public walkways, plazas, and open space providing dedicated public visual easements to the Harbor and through the site from the Broad Street, Atlantic Avenue, and High Street corridors. This is consistent with design guidelines for the site requiring visual easements, which align with the Broad Street and High Street approaches to the site, as well as a thirty-foot easement at the southern boundary of the site. From Atlantic Avenue, a 60-foot high grand archway leads to a skylighted entrance court allowing an open scenic view of Boston Harbor and various water-related uses such as the marina and ferry terminal. The major new civic space will be a focus of public activity, with major building entrances and retail/restaurant uses occurring off this space. A major north-south internal pedestrian street, a full perimeter "walk-by-the-sea", and the entrance court at Broad Street lead to expansive water vistas and animated areas of intense public use. A cafe/restaurant and a broad public plaza at the end of the northern finger will command excellent ground-level views of the harbor, channel, and waterfront. The project also provides a pleasing visual environment as viewed from the water.

K. Wind and Shadow

1. Might the project cause wind and shadow impacts on adjacent properties? Yes _____ No _____

The impacts of wind and shadow on adjacent areas, unknown at present, will be studied prior to design completion.

IV. CONSISTENCY WITH PRESENT PLANNING

A. Describe any known conflicts or inconsistencies with current federal, state and local land use, transportation, open space, recreation and environmental plans and policies. Consult with local or regional planning authorities where appropriate.

The design program for Rowes/Fosters Wharf is consistent with and complementary to site guidelines and policies developed by the BRA and during the Boston Harbor Plan. The Boston Harbor Plan entailed an extensive public participation process, initiated during 1979, which involved numerous groups and individuals concerned with the future of the Harbor. Along with the original Urban Renewal Plan for the area, it provided a critical baseline from which Harbor needs and goals could be anticipated and clearly articulated.

The proposed project meets BRA and Harbor Plan objectives. Specifically:

- o Extensive pedestrian and visual access to, and open space along, the water's edge are provided.
- o Ferry uses are better accommodated, allowing for the future expansion of waterside and landside space and functional needs.
- o Mixed-use development will be created which is compatible with other waterfront uses.
- o The project's design draws upon the waterfront's historic past.

The Rowes/Fosters plan will also comply with the Massachusetts Coastal Zone Management Program (CZM). Key areas of concern for CZM will be the maintenance of public access to the coastal zone, the protection of public interest, compliance with all filling and dredging requirements as appropriate, and full compliance with applicable federal permit and licensing regulations.

This project will reinforce the identity of the waterfront as a public place to visit and enjoy, providing a vital link in a growing network of pedestrian-oriented areas along the waterfront.

V. FINDINGS AND CERTIFICATION

A. The notice of intent to file this form has been/will be published in the following newspaper(s):

(Name) The Boston Globe (Date) October 15, 1983

The Boston Herald October 15, 1983

B. This form has been circulated to all agencies and persons as required by Appendix B.

~~October 15, 1983~~ [signature]
Date — Signature of Responsible Officer or Project Proponent

Name (print or type): Edwin N. Sidman
Address: President, The Beacon Companies, One Post office Square, Boston, MA 02109
Telephone Number: 617-451-2100

October 15, 1983 Karen B Alschuler
Date — Signature of person preparing ENF (if different from above)

Name (print or type): Karen B. Alschuler
Address: Skidmore, Owings & Merrill, 334 Boylston Street, Boston, MA 02116
Telephone Number: 617-247-1070

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

MICHAEL S. DUKAKIS
GOVERNOR

JAMES S. HOYTE
SECRETARY

S.O.M.
DEC 30 1983
RECEIVED

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

ON

ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME	:	Rowes/Foster Wharf
PROJECT LOCATION	:	Boston
EOEA NUMBER	:	4992
PROJECT PROPONENT	:	The Beacon Companies
DATE NOTICED IN MONITOR:		November 23, 1983

Pursuant to M.G.L., Chapter 30, Section 62A and Sections 10.04(1) and 10.04(9) of the Regulations Governing the Implementation of the Massachusetts Environmental Policy Act, I hereby determine that the above referenced project does require the preparation of an Environmental Impact Report.

See Attached Scope.

December 23, 1983
DATE

JAMES S. HOYTE, SECRETARY

JSH/JW/dc

Attachment

FORM A

The EIR should be organized according to the format in MEPA Regulation 10.05 and should contain a copy of the following Scope of Work and comments on the ENF. It should also contain a site plan, drawn to scale which includes both existing and proposed conditions.

Traffic and Parking Analysis

This analysis should describe the anticipated vehicle and pedestrian travel routes to and from the site. The analysis should include existing traffic operating conditions, forecast travel demands generated by the project, expected levels of service, and areas of expected peak period congestion. The scope of the traffic study should include the intersections of Atlantic Avenue and Northern Avenue, Atlantic Avenue and India Street, and Surface Artery and High Street.

Time periods of the analysis should include:

- Existing baseline conditions
- Design year (no build) for completion of entire project (with description of development conditions assumed)
- Design year for completion of project.

The proponent should provide a description of how the 450-500 parking spaces will be utilized, outlining how many spaces will be designated for specific categories of use, such as residential, hotel or office. Based on existing studies, the proponent should describe the existing and future supply of and demand for parting garage spaces in the project area. The proponent should assess the probable impact of the project in relation to this supply/demand information, and should describe requeirments concerning a Parking Freeze Permit from the Boston Air Pollution Control Commission.

Air Quality

1. The proponent should undertake a microscale analysis to determine potential CO impacts associated with traffic generated during operational phases of the project. The analysis years and the development assumptions for the air quality analysis should coincide with those of the traffic study. The study methodology, the intersections to be analyzed and the sensitive receptors should be determined in consultation with DEQE and MEPA, based upon findings of the traffic analysis, prior to preparing the microscale analysis. The analysis should focus on worst case conditions identified in the traffic study, and should determine 1 hour and 8 hour CO levels. Relate the results of the analysis with those of other studies in the area (i.e. Commonwealth Pier and Third Harbor Tunnel) by reporting on findings as published.

2. The air quality analysis should evaluate the proposed venting systems of the garage, and their impact on residences and pedestrian areas on the site.

3. The report should identify any stationary sources of air emissions to be installed and operated on the site, describing the type of equipment, its size and any permits or approvals required, including a Parking Freeze Permit from the Boston Air Pollution Control Commission.

The Built Environment

1. The EIR should describe the design review process conducted to date with the Boston Redevelopment Authority in conjunction with the Boston Society of Architects. The proponent should describe conformance with BRA/BSA design guidelines concerning characteristics such as height, massing, street frontage, views, scale and materials. The discussion should also address compatibility with the Sasaki Associates plan for the area prepared in 1979 for the Boston Redevelopment Authority. The proponent should describe how the design review process has considered the project's proximity to the Custom House Historic District, and the potential for affecting or altering elements of the visual environment which determine the character of the district.

2. The EIR should include a discussion of the findings of the wind analysis being conducted by Hansen, Halley and Biggs and the recommended mitigation methods.

3. The EIR should provide information relative to the proposed dredging and filling which includes, but need not be limited to the following:

   a. quantity of dredge/fill material
   b. chemical analyses of dredge and excavation material
   c. discussion of permitting process for this activity

   Mitigating measures to minimize the introduction of sediment and pollutants into the Harbor should be recommended in the EIR.

4. Questions were raised regarding the impacts of the development on the use of the Harbor for water related activities. The EIR should include a discussion of this subject which addressed the concerns expressed for the anchorage areas and main ship channel in the vicinity of the development. The EIR should also provide a description of the proposed marina. Who will maintain it? How many boats can it house? Will the users be long-term or transient? Lastly, a status report on the planned ferry terminal facility and type(s) of service to be provided should be included.

the boston harbor associates
"for balanced harbor development"

P.O. Box 9042, Boston, MA 02114
Telephone (617) 426-5025

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Robert M. Calder
Vice Presidents
Timothy Anderson
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DEC 19 1983
OFFICE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

Ms. Jacki Wilkins
MEPA Staff
Executive Office of Environmental Affairs
100 Cambridge St. 20 th Floor
Boston, Ma. 02202

Reference: Rowes/Fosters Wharf - EOEA # 4992

Dear Ms. Wilkins:

I write to offer the comments of the Boston Harbor Assoc., (TBHA), with regard to the proposed redevelopment of Rowes/Fosters Wharf on Boston Harbor.

TBHA calls on your office to find that an Environmental Impact Report should be completed regarding this project. This Association, which represents a broad group of our harbor interested public, has previously concluded that the redevelopment and use of this wharf area is of critical importance to the harbor and a detailed review of the impacts of this project is unaviodable in the context of the Commonwealth's interest as Trustee of tidelands. We would be most distressed to discover that the primary vehicle for this detailed review was not mandated.

The following, in no particular order of significance, are the issues which TBHA believes should be evaluated in an EIR:

-The project should be fully depicted on scale maps showing the existing physical conditions, that area covered by existing licenses, and the land/water coverage resulting from the proposed project. The differences between the property title, current licenses, and proposed project should be clearly described. In addition, the primitive high water mark and any subsequent surveyors lines, such as the Baldwin line, should be clearly described.

-The proponent should fully describe his proposals for public access to the site, whether from land or water, and define the terms of access in terms of responsibility for operations, maintenance, and administration. The proponent should also propose how revenues resulting from provision of boat access are to be utilized for the maintenance and improvement of this access.

-We are given to understand that some annual lease payment,

reportedly amounting to in excess of $1 million, is to be paid to the Boston Redevelopment Authority for use of the property. Since this site was acquired by the BRA with Urban Renewal funds, and since it resides on Commonwealth tidelands, the beneficiary of these funds should be the public of the Commonwealth or of the United States, as distrinct from some other body. The EIR should therefore require the complete disclosure of all leases and agreements regarding the property,whether between the BRA and the designated developer or between the BRA and the Dept. of Housing and Urban Development, which have any relevance to the disposition of these lease proceeds.

-The proponent should be required to evaluate a lower build alternative. We would recommend that this configuration be a minimum of 20% less dense than the existing proposal with particular attention to opening up the center of the site, visually and, at the ground floor, spatially, to reduce the walling off of Atlantic Avenue from the harbor.

-Questions have surfaced regarding the comparative environmental effects of pile versus fill supported waterfront structures. The proponent should be required to analyze and compare these effects and provide reasons for the structure selected.

-Rowes/Fosters Wharf is the Boston base for Mass. Bay Lines, an operator of excursion and ferry boats which provides access to the Boston Harbor Islands and the South Shore. Mass Bay Lines is a member of TBHA and a long standing provider of water-transportation services in Boston Harbor. The proponent should be required to demonstrate how it intends to guarantee that Mass Bay Lines can continue to operate during the construction phase of the project. It will be difficult, at best, to provide for pedestrian access, not to mention dockage, during this period.

-An anchorage area has been designated for the area directly in front of the piers. This area is under the control of the Boston Harbormaster. The impacts on this anchorage area should be described as well as the potential for impacts on the main ship channel which passes near to the proposed extended piers.

Boston Harbor Associates is, as always, prepared to assist the Secretary of Environmental Affairs and his staff as well as the project proponent, in advancing this endeavor.

Sincerely,

Thomas Ennen, Executive Director

cc. Timothy Anderson, Pres.
John Priestley, V.P.
Charles Norris, Secretary
Carol Gladstone, Beacon Company

City of Boston
The Environment
Department

Boston City Hall/Room 805
Boston, Massachusetts 02201
617/725-4416 or 725-3850

21 December 1983

RECEIVED
DEC 21 1983
OFFICE OF THE SECRETARY OF
ENVIRONMENTAL AFFAIRS

Secretary James S. Hoyte
Executive Office of Environmental Affairs
100 Cambridge Street 20th Floor
Boston, MA 02220

Re: Rowes/Fosters Wharf EOEA No. 4992

Dear Secretary Hoyte:

Thank you for the opportunity for commenting on the impacts of the Rowes/Fosters Development on Atlantic Avenue published in the November 23, 1983 Monitor. Based on the size of the development and the issue which puts a nonmaritime dependent use (housing) over the waters of the Commonwealth. We are assuming an Environmental Impact Statement will be required. The Commission feels that the following concerns should be addressed in the Study.

Should a non-water dependent use be allowed to be built over waters of Boston Harbor? Is the addition of a recreational marina enough to make that part of the development water-dependent?

How does the development effect the existing Anchorage Areas in front of Harbor Towers and the Fort Point Channel?

What arrangements are being made for the existing maritime-dependent uses presently at the site, during and after construction? Will they be guaranteed space?

Who will maintain the public dock?

If this property is being leased by the BRA to the developers is the money from the lease being spent on other Harbor projects or low income housing?

Although we applaud the public access in the current plan and find parts of it very attractive, it seems the primary beneficiary of building over the water should be the public , and land use should conform to what is best for the Harbor. This issue could be reviewed better through the EIS process.

Again, thank you for the opportunity to comment on the project.

Sincerely,

Lorraine Downey
Executive Secretary
Conservation Commission

Boston Redevelopment Authority

Robert J. Ryan/Director

December 14, 1982

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OFFICE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

Secretary James Hoyte
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Attention: MEPA Unit

Dear Secretary Hoyte:

Re: EOEA #4992: Rowes/Fosters Wharf, Boston

It is our understanding that the department is of the opinion that the project presently proposed is not categorically included under Class D of Appendix C to the environmental regulations set forth at 301 CMR 10.00 et. seq. We interpose no objection to this determination.

We are of this belief because of our view that the design review and permitting processes to which the development is subject will explore all of the environmental impacts of this project and measures to mitigate those impacts. We rely in part on the thorough design review process that will be undertaken by the Authority in participation with the Boston Society of Architects for a review of aesthetic and built environmental aspects of this project. We are further aware that the carrying out of the project requires intensive review by the Boston Conservation Commission, Department of Environmental Quality Engineering, and U.S. Army Corps of Engineers, all of whom will be studying the water quality impacts of a project undertaken at the water's edge.

Sincerely,

Robert J. Ryan

XC: Ms. Jackie Wilkins

1 City Hall Square
Boston, Massachusetts 02201
(617) 722-4300

COASTAL ZONE
MANAGEMENT

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

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ENVIRONMENTAL AFFAIRS

M E M O R A N D U M

TO: SAM MYGATT, MEPA DIRECTOR

FROM: RICHARD F. DELANEY, MCZM DIRECTOR

DATE: DECEMBER 12, 1983

SUBJECT: EOEA FILE #4992, ROWES/FOSTERS WHARF

The Massachusetts Coastal Zone Management (MCZM) Office has reviewed the above referenced project and believes that the project does not require an EIR. The applicant appears to have taken measures to limit environmental impacts by using pilings extensively in the project construction and limiting the amount of dredging and filling. The project proponent has also indicated that 2/3 of the project area is devoted to public amenities in the form of unrestricted access to the site via walkways, plazas and landscaped areas both through the site and along the full perimeter of the water.

Based on the MEPA scoping session and a review of the project, MCZM believes that sufficient information pertaining to the wetlands and waterways issues related to this project will be developed during the permitting processes. The MCZM Office will use that information to conduct its federal consistency review.

Should the project plans change significantly from the present configurations the MCZM Office would be involved in reviewing those changes or as a party to any regulation hearings that may be required.

The Boston Preservation Alliance

An Association of Preservation Organizations

P.O. Box 1165, Boston, Massachusetts 02103 242-5656

December 13th.'83

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DEC 13 1983

OFFICE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

Jacki Wilkins
MEPA
Executive Office of
Environmental Affairs
100, Cambridge St.
Boston, Ma. 02202

RE: EOEA #4992 (Rowe's/Foster's Wharf project)

Dear Ms. Wilkins,

Having attended the meeting on Friday in connection with the Rowe's/Foster's Wharf project, I would like to comment in regard to what I see as a negative impact.

I am concerned about the bulk and massing of this project as it would be seen from Atlantic Avenue in the vicinity of Broad Street. As currently conceived, the street facade would present a solid, too bulky wall to Atlantic Avenue. In addition, I fear that the current conception would help to box in the historic Broad Street area with yet another wall of buildings. The whole project should be considerably scaled down.

I therefore urge that an environmental impact statement be prepared and that a "low rise" alternative be included in that statement.

Sincerely,

Rupert A.M. Davis
Executive Director

cc: Samuel Mygatt

Metropolitan Area Planning Council

110 Tremont Street Boston, Massachusetts 02108 (617)-451-2770

Serving 101 Cities & Towns in Metropolitan Boston

December 13, 1983

The Honorable James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

Attention: MEPA Unit

Project Identification:

Project Name: Rowes/Foster Wharf — EOEA#: 4992

Project Proponent: The Beacon Companies — MAPC#: ENF-84-34

Location: Boston — Received: 11/21/83

Dear Secretary Hoyte:

In accordance with the provisions of Chapter 30, Section 62, of the Massachusetts General Laws, the Council has reviewed the Environmental Notification Form identified above and offers the following comments:

1. ____ Environmental Notification Form adequate; no Environmental Impact Report should be required.

2. ____ Before a determination can be made as to whether or not an Environmental Impact Report should be required, additional information should be provided on ( ) probable environmental impacts, ( ) alternatives to proposed action, and/or ( ) measures proposed to mitigate probable impacts.

3. __X__ An Environmental Impact Report (X) should be required, ( ) is categorically required.

4. __X__ Additional comments are attached.

Very truly yours,

Joel B. Bard
Assistant Director/
General Counsel

JBB:lpb
cc: On page 2

Elizabeth A. Bransfield, President — William C. Sawyer, Vice-President — Frank E. Baxter, Secretary — Patricia A. Brad[illegible], Treasurer

Executive Director: Alexander V. Zalesai

Due to the complexity of the proposed project and the impacts likely to result, the Council recommends that an Environmental Impact Report be required. The following should be included in the scope of such a report:

- An analysis of the traffic and parking impacts likely to result, including examination of expected volumes and movements, an analysis of parking need, and consideration of displaced current users.

- An evaluation of the specific dredging and filling operations expected to occur, including impacts on the harbor and Fort Point Channel. Mitigating measures dealing with the introduction of sediment and pollutants should be examined.

- An analysis of the noise impacts likely to result, and mitigating measures available to lessen these impacts.

- An analysis of visual, wind, and shadow impacts illustrating the effects of the project on the immediate and surrounding areas, and the Boston skyline.

Comments from MAPC's Boston representative have been submitted under separate cover.

cc: Ms. Karen B. Alschuler
Skidmore, Owings and Merrill
Mr. Geoffrey Boehm
MAPC Representative, Boston
Mr. Alfred Howard
Boston Redevelopment Authority
Mr. Mark Siegenthaler
MAPC Staff

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B. C.

The Commonwealth of Massachusetts
Aeronautics Commission
Boston - Logan Airport, Boston 02128
(617) 727-5350

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OF ENVIRONMENTAL AF

November 23, 1983

James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street, Room 2000
Boston, MA 02202

Attn: MEPA Unit

Re: EOEA # 4992, Rowes/Fosters Wharf

Dear Secretary Hoyte:

The proposed site is subject to aircraft operating noise of approximately L_{dn} 65dB(A), primarily from jets taking off on Runway 27 at Logan Airport. The general urban hubbub would only add to this.

Since the proposed development includes 150 residential condominiums and 160 hotel rooms, the impact of ambient noise on future occupants is expected to be significant. HUD regulations would have called for structural soundproofing, if the project included HUD funding.

We also present our concern that peak noise levels will prove disruptive in the office areas (drowning out telephone calls, meetings, conversations, etc.) and even in the restaurants.

It is the Aeronautics Commission's judgment that the proposed project requires extensive soundproofing and imposition of such a requirement is recommended.

Sincerely,

Arnold R. Stymest

Arnold R. Stymest
Director of Aeronautics

RK:ep

cc: Boston Redevelopment Authority
The Beacon Companies
Skidmore, Owings & Merrill
Massachusetts Industrial Finance Agency
Boston Industrial Development Finance Authority

ANTHONY D. CORTESE, Sc.D.
Commissioner
727-5194

The Commonwealth of Massachusetts
Department of Environmental Quality Engineering
Metropolitan Boston - Northeast Region
323 New Boston Street, Woburn, MA 01801

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OFFICE OF THE SECRETARY
OF ENVIRONMENTAL AFFAIRS

MEMORANDUM

TO: James S. Hoyte, Secretary
Executive Office of Environmental Affairs

FROM: Michael J. Maher, Air Quality Section Chief MJM for

DATE: December 12, 1983

SUBJECT: Rowes/Fosters Wharf, EOEA #4992

This office has reviewed the environmental notification form filed for the proposed Rowes/Fosters Wharf and offers the following comments for your consideration.

1. Given the proposed project location, size of the facility, number of parking spaces required, and amount of traffic to be generated DEQE is concerned as to the future air quality of this area. An air quality analysis should be required in order to alleviate these concerns. DEQE is available to assist in scoping the necessary modeling parameters.

2. The proponent should suggest measures to alleviate dust and noise nuisance conditions which may occur during and after construction. Such measures must comply with DEQE regulations 310 CMR 7.09 and 7.10.

3. The proponent must submit formal plans to the Department and receive Departmental approval for any fossil fuel burning facility with a capacity greater than 3 mm BTU or any incinerator proposed for this development as per DEQE regulation 310 CMR 7.02.

Please contact Heidi O'Brien (292-5623) should you have any questions.

MJM/yw

Metropolitan Area Planning Council

110 Tremont Street Boston, Massachusetts 02108 (617)-451-2770

Serving 101 Cities & Towns in Metropolitan Boston

DATE: November 21, 1983

I.D. #: ENF-84-34

TO: Geoffrey Boehm

COMMUNITY: Boston

Enclosed is a description of the project referenced below.

The Council requests that you consider whether this report adequately describes the project's impact upon your community and addresses significant environmental benefits and potential damages.

PROJECT TITLE: Rowes/Foster Wharf

THE COUNCIL HAS ONLY 20 CALENDAR DAYS TO FILE COMMENT WITH E.O.E.A. TO MEET THIS DEADLINE, YOUR COMMENTS MUST BE RECEIVED AT THE MAPC BY December 7, 1983

RECEIVED
DEC 9 1983
OFFICE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

☐ ADEQUATELY DESCRIBES ENVIRONMENTAL IMPACTS

☒ MERITS FURTHER ENVIRONMENTAL STUDY

☐ NEED MORE INFORMATION

EXPLANATORY COMMENTS:

The City of Boston Air Pollution Control Commission strongly suggests that the preparation of an Environmental Impact Report be required, because of the air quality impacts associated with the automobile, traffic impacts, construction impacts in relation to the other projects already underway and planned for the future, the number and use of the 450-500 spaces with each use, Parking Freeze requirements and permits, modal split data, number of spaces proposed is too high for the square feet of the project, environmental impacts of this project in connection with other projects in the area which have parking garages, and many more related concerns. The developer must apply to the Air Pollution Control Commission for a Parking Freeze Permit. In addition, please see the attached memo from the City's archaeologist within the Environment Department.

SIGNATURE:

DATE: December 9, 1983

Elizabeth A. Bransfield, President William C. Sawyer, Vice-President Frank E. Baxter, Secretary Patricia A. Brady, Treasurer

Executive Director: Alexander V. Zaleski

CITY OF BOSTON AND COUNTY OF SUFFOLK

DEPARTMENTAL COMMUNICATION

November 30 19 83

	(NAME)	(RATING)	(DEPARTMENT-DIVISION)
TO	Geoffery Boehm		
FROM	Stephen Mrozowski		

SUBJECT: Rowes and Fosters Wharf FILE REF. NO.

The project area lies within an area of the waterfront that experienced only limited develpment until the 19th century. The 17th and 18th century activities which would have resulted in significant archaeological deposits were concentrated outside the focus of the project. The possibility does exist that prehistoric deposits might exist in the area to the east of Atlantic Avenue. However, 18th century filling in the project area when linked with natural processes of sedimentation, make the possibility of their being impacted small. Therefore, it is recommended that the project be allowed to commence without further archaeological review. If deposits are encountered during construction both the City Archaeologist and the Massachusetts Historical Commission should be contacted.

Appendix 4

Massachusetts Historic Commission Correspondence

The following correspondence indicates the Massachusetts Historical Commission's concurrence that there are no properties listed in the State Register of Historic Places within the potential impact area of the proposed project.

The Beacon Companies

One Post Office Square
Boston, Massachusetts 02109
(617) 451-2100

rec'd MHC
2/22/84

February 21, 1984

Ms. Valerie Talmage
Executive Director
Massachusetts Historical Commission
294 Washington Street
Boston, MA 02108

RE: Rowes/Fosters Wharf Redevelopment

Dear Ms. Talmage:

I am writing to request Massachusetts Historical Commission review of the potential impact of the Rowes/Fosters Wharf project pursuant to 950 C.M.R. Section 71:00 et. seq. The Beacon Companies has been designated by the Boston Redevelopment Authority to undertake redevelopment of this Urban Renewal parcel. The size and scope of the proposed development program is generally described in the Environmental Notification Form (ENF), a copy of which is attached.

In preparing the ENF we reviewed potential impacts on historical resources listed in the Massachusetts Register of Historic Places, including the Custom House Historic District, Russia Wharf Buildings, the Northern Avenue Bridge, the Long Wharf and the Custom House Block. Of these, the closest historic property is the Custom House District, including the Custom House Tower landmark structure. The southeast corner of this District at the intersection of High and Purchase Streets is the point closest to the development area, at approximately 300 feet from the site. We therefore believe that all of these historic properties are beyond any potential area of impact.

As also stated in the ENF, we have identified a number of State agencies having permitting authority over the project. These include the Department of Environmental Quality Engineering (DEQE) Waterways, Wetlands, Water Quality and Air Quality Divisions. We will also be seeking a sewer extension permit, which involves the Metropolitan District Commission and DEQE (Water Pollution Control), and a curb cut permit from the Department of Public Works. Finally, we will need a Certificate of Consistency from Coastal Zone Management.

In anticipation of applications to these various agencies, we are seeking the Commission's concurrence in our finding that there are no properties listed in the State Register of Historic Places within the area of potential impact of the project. We understand that each

State agency may rely upon your response to this letter in their respective approval processes. We ask that the Commission indicate its concurrence by counter signature on the copy of this letter which is enclosed.

If you have any questions regarding our redevelopment plans, please don't hesitate to contact me.

Sincerely,

Carol Gladstone
Project Manager

Enc.
CG/ss

Concurred by:

Valerie Talmage
Valerie Talmage
Executive Director
Massachusetts Historical Commission

2/23/84
Date

Appendix 6

Notification of Project Changes MEPA Regulation 10.16 Rowes Wharf, EOEA #4992

Submitted to Secretary James S. Hoyte
June 7, 1984

By:
The Beacon Companies

I. Project Height
II. Site Plan
III. Parking Program
IV. Attachments

The Beacon Companies

One Post Office Square
Boston, Massachusetts 02109
(617) 451-2100

June 7, 1984

James S. Hoyte, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Re: Rowes Wharf, EOEA #4992
Notification of Project Change

Dear Secretary Hoyte:

Since the filing of the Rowes Wharf Draft Environmental Impact Report (EIR) on March 30, 1984, design modifications have been made which may warrant your review under MEPA regulation 10-16, Project Changes. Some of these changes result from choice of construction methods, while others are in response to points mady by from various State and local regulatory agency representatives in review meetings and to comments on the Draft EIR. We appreciate the opportunity the MEPA process affords to seek your review so that these changes can be incorporated into the Final EIR.

The specific areas included in this Notification of Project Change are:

1. Height -- Additional height of approximately one foot per floor for all areas of the project, with a maximum additional height of 17 feet for structures along Atlantic Avenue, to allow for a change from a concrete structural system to a steel structural system. No additional floor area is created. Each of the buildings are maintained at the same number of stories, with 16 stories at the highest point. The change in construction system will result in an accelerated completion schedule, to mid-1987.

2. Site Plan -- Modifications to the site plan to provide for all project uses and activities landward of the State Harbor Line. All water activities are maintained and ferry terminal service areas expanded.

3. Parking Program -- Refinement of the parking program which reduces the number of spaces from the 700 analyzed in the Draft EIR to a total of 575 spaces. All parking, truck docks and service facilities are provided below grade as specified in the Draft EIR.

We have asked our consultant team to evaluate potential environmental impacts of these changes; their description of the changes and assessment of impacts is attached for your review. These materials indicate that the changes are not significant and do not increase the levels of environmental impacts. We are therefore asking that we be directed to proceed with the modified design as the basis for the Final EIR.

We have found the MEPA process to date to be thoughtful and effective in focusing on key issues of environmental concern. As the supporting materials indicate, we have recognized from our first efforts that Rowes Wharf is a site of special quality and public interest, and have developed a design which we feel celebrates the public goals and objectives for the area. MEPA's role as a clearinghouse for environmental issues has helped us to maintain that commitment through design refinements such as those described here.

As suggested by the MEPA staff, this Notification of Project Change will be sent to all persons who commented on the EIR. In addition, at MEPA's direction, they will be informed that you intend to respond to our Notification within two weeks, and that comments will be accepted before that time.

We look forward to receiving your comments on these project changes and to filing a complete and reponsive Final EIR in the near future. Please do not hesitate to contact me, Carol Gladstone, our project manager, or Karen Alschuler of Skidmore, Owings & Merrill with any questions.

Very truly yours,

Edwin N. Sidman

Enclosure

cc: Jacquelyn Wilkins
Samuel Mygatt
All parties who commented on the Rowes Wharf Draft EIR

I. Project Height

The Beacon Companies has modified the design to reflect a steel structural system rather than the concrete structural system originally specified. This preferred construction method results in a project height change. To accommodate the steel structure, approximately one foot per floor is added, resulting in an additional 17 feet at the highest point of the structure. However, the project is maintained at the original number of stories throughout, remaining 16 stories at its highest point. No additional floor area is created.

Background

From the earliest phases of design for Rowes Wharf, the project was conceived of as a concrete structure. Early geotechnical analyses suggested that the weight of the concrete structure would be essential to counteract uplift pressures if conventional construction and dewatering procedures were used. Later, it was decided to locate all parking, service access and truck docks, and a major portion of the mechanical space underground to minimize street level conflicts with pedestrians and improve the Atlantic Avenue frontage. This resulted in a design calling for up to six levels below grade. A decision was made to use slurry wall construction to minimize dewatering requirements and allow for the deep excavation. This approach negated the necessity of a concrete structure, and a review was initiated to analyze steel systems as opposed to concrete in light of design, constructability, schedule, marketing and cost. The conclusion, reached in April, was that the advantages of a steel structure far exceeded those of a concrete structure.

This finding was presented to the Boston Redevelopment Authority/Boston Society of Architects review team on April 5. The review team, which had established the original general guideline of 165 feet, felt the change would "not significantly alter the project character, scale or proportions, and would have little apparent affect on the urban environment" (BSA letter of April 17, 1984). With the positive recommendation of their staff and the Boston Society of Architects, the BRA Board approved the change in project height to accommodate a steel structure on April 19, 1984. As noted in the BRA memorandum, "except for the minor increase in height, there will be no change in the exterior building materials or in the appearance of the structure and no additional floor area will be created." Attachments 1, 2 and 3 to this notice of project change include the BRA and BSA recommendations as well as the BRA Board Resolution.

Components of the Change

The exact height added varies by floor depending on the type of mechanical equipment required and the design requirements for the use of that floor. Technical advantages of the steel structure include:

- o faster construction, reducing the total construction period by three to six months;
- o better management of the various construction trades and their simultaneous access to the site;
- o improved floor to floor heights in portions of the building, and more flexibility in the layout of office and residential spaces;
- o recovery of a portion of the premium costs for location of truck docks and mechanical space below grade; and
- o greater flexibility to accommodate special design conditions such as setbacks, slab openings, and the special framing of the entrance court.

A detailed technical analysis prepared by Skidmore, Owings & Merrill comparing the project at 165 feet to the project at 182 feet is included here (Attachment 4) for your review. In summary, the following describes the change in design:

1. Maximum height of the structures along Atlantic Avenue is increased from 165 feet to 182 feet. This area of maximum height occurs at the top of the residential and hotel towers. Floors 15 and 16 in these towers account for 36,000 square feet of program area or approximately 5.5% of the total site program.

2. Lower portions of the building and separate wharf structures are increased in height by approximately one foot per floor. For example, the entrance arch is raised approximately six feet and the residential wharfs are eight feet higher.

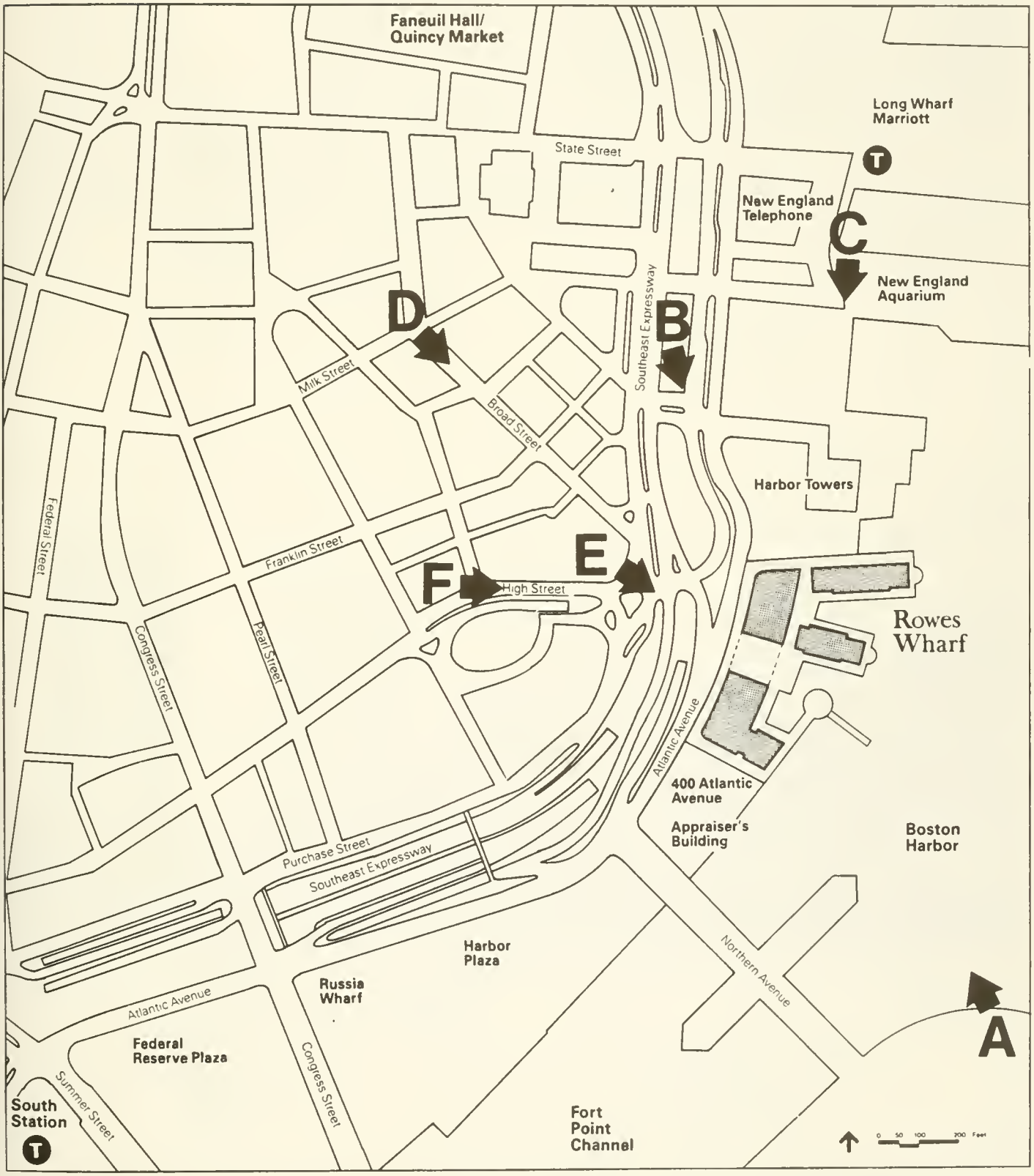
Sketches included here indicate the effect of the added height resulting from use of the steel structural system on views from the surrounding urban context. These are the same series of views as provided in the Draft EIR and allow for a comparison with the urban context and with the same design in a concrete structure.

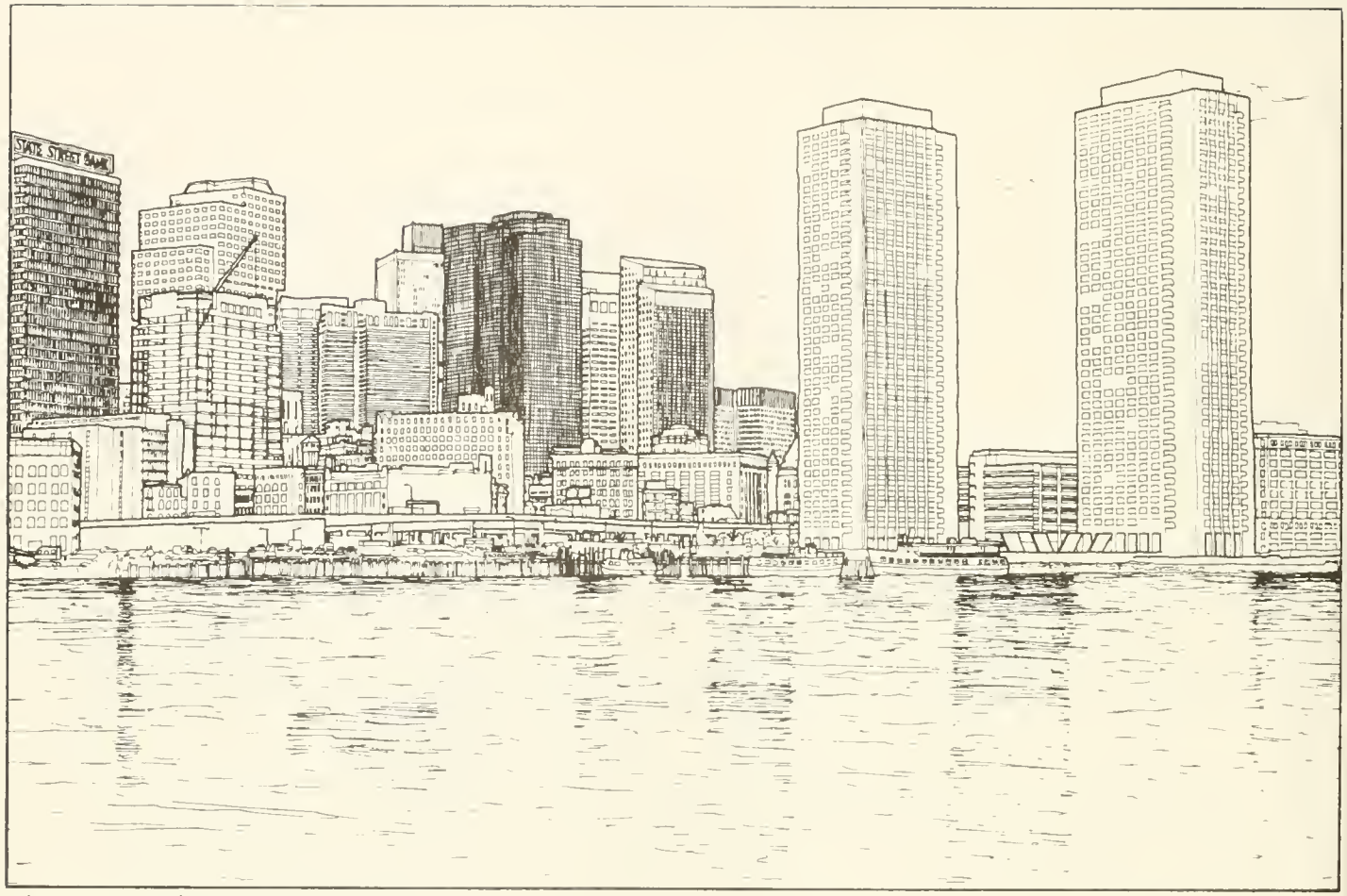
Environmental Effects

Areas of environmental interest which are potentially affected by the added height include visual quality, wind, and construction procedures. A discussion of each and supporting materials are included here.

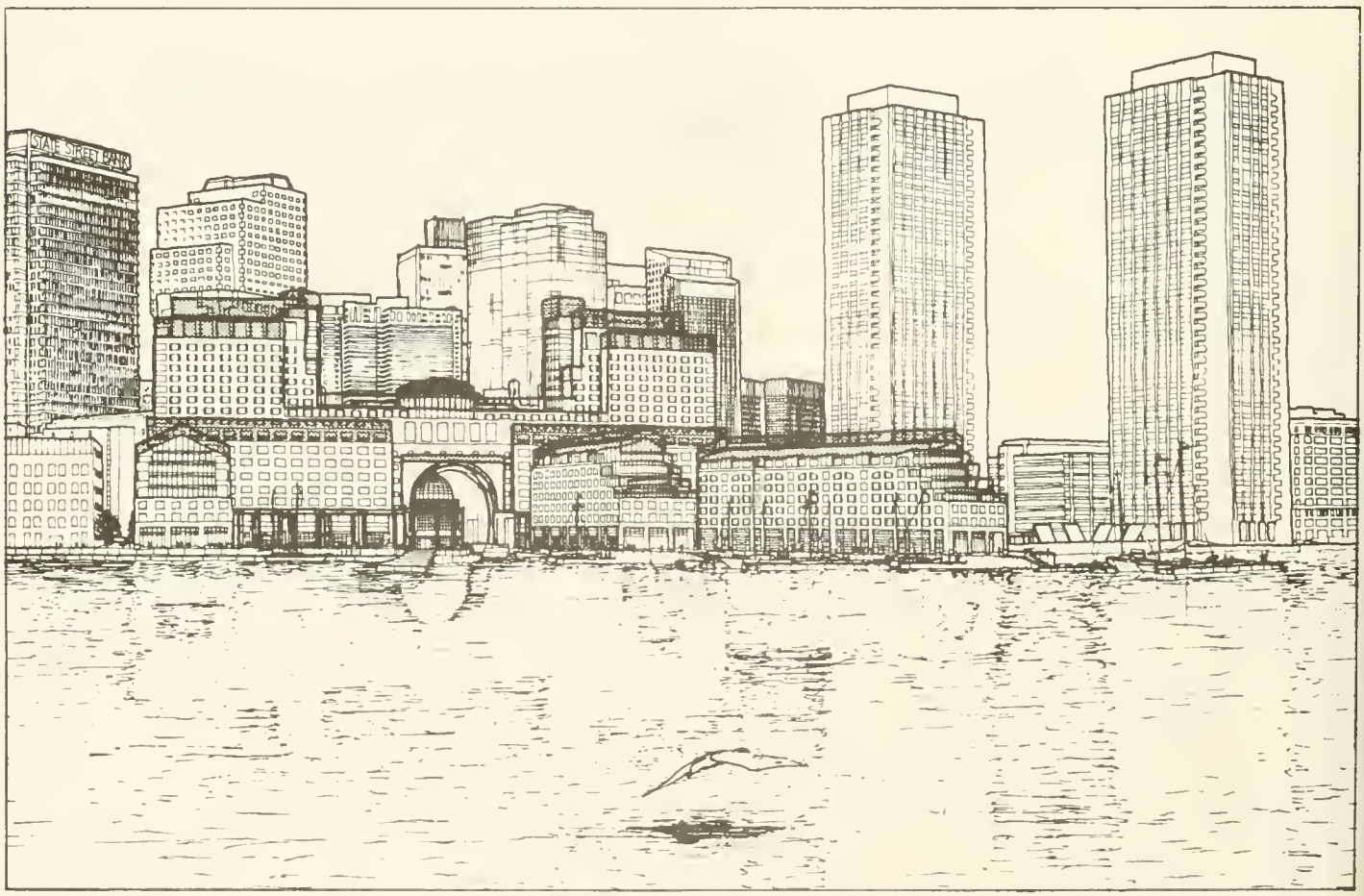
Views Analyzed

Please note: Views A-F are illustrated on the following pages. In each case a sketch of existing conditions is provided along with a sketch of the proposed project. The added height in the proposed project views is indicated by outline and tone.



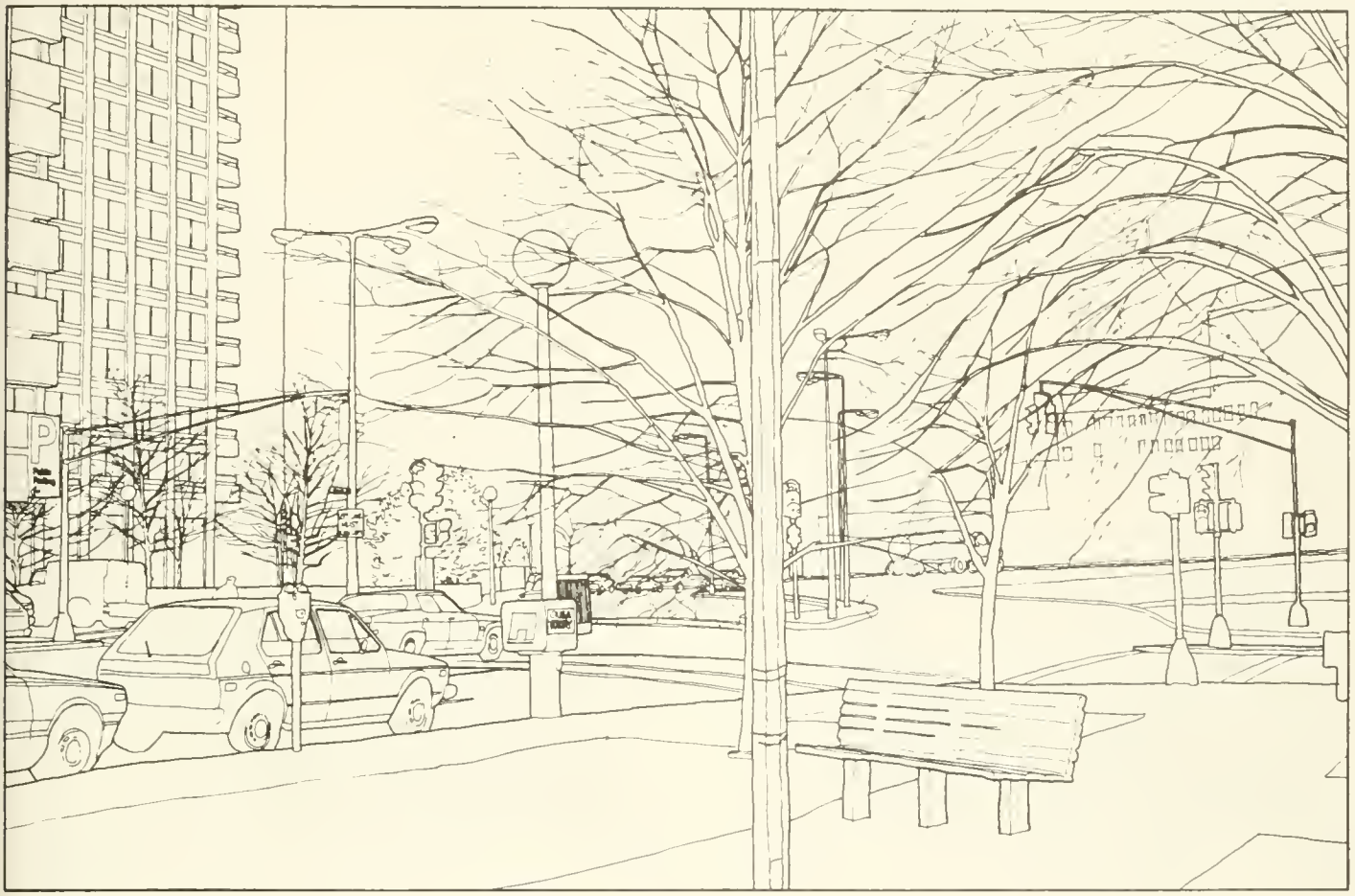


View A - Existing

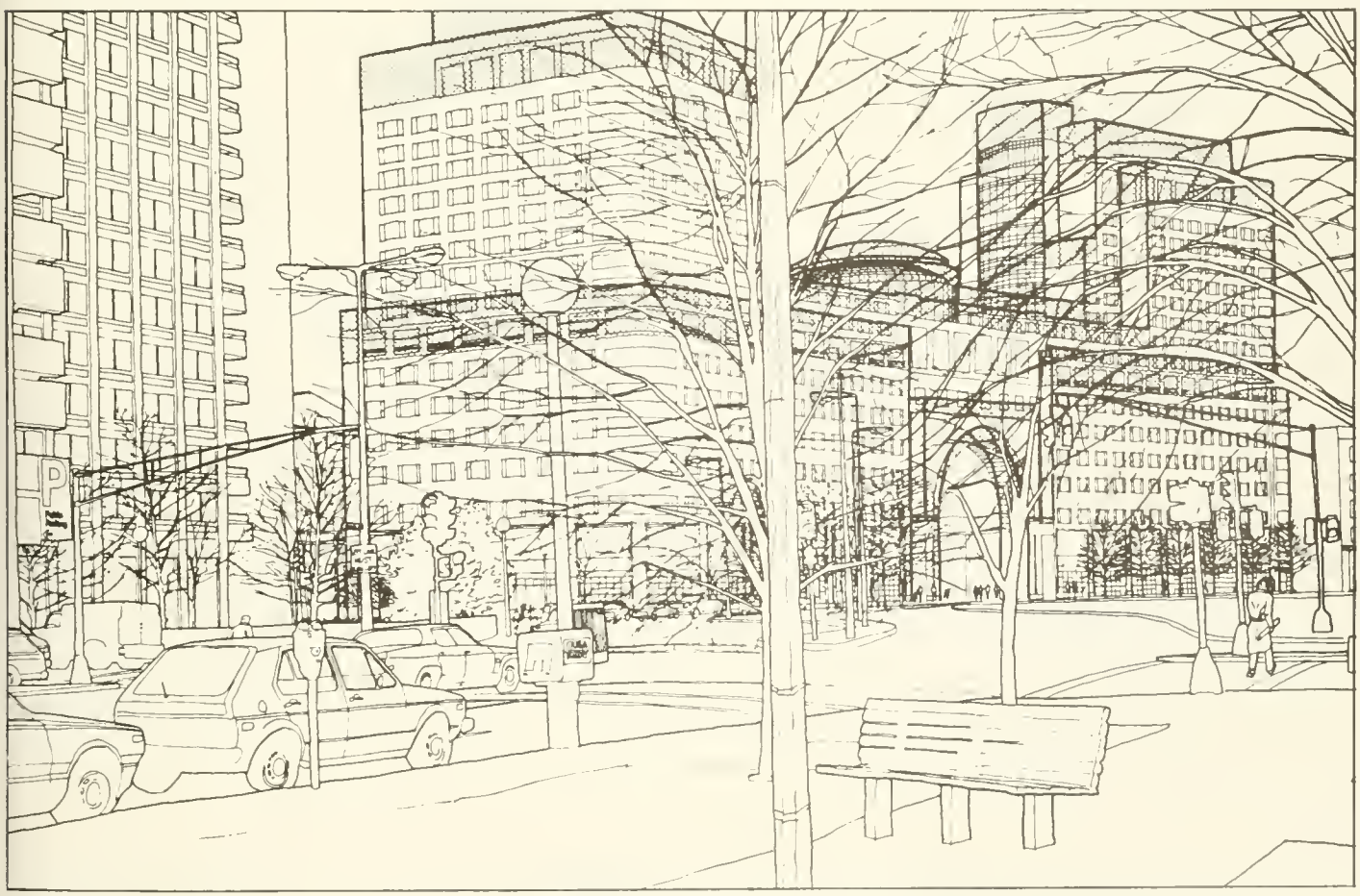


View A - Proposed

Screened areas show additional height necessitated by change in construction method to steel structural system.



View B - Existing



View B - Proposed

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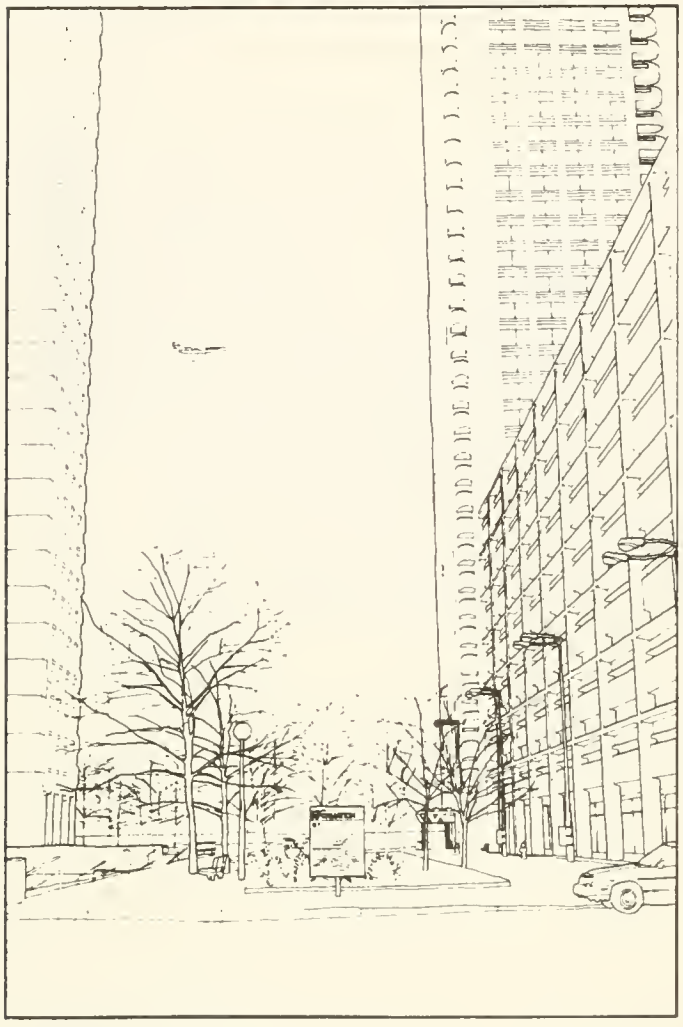
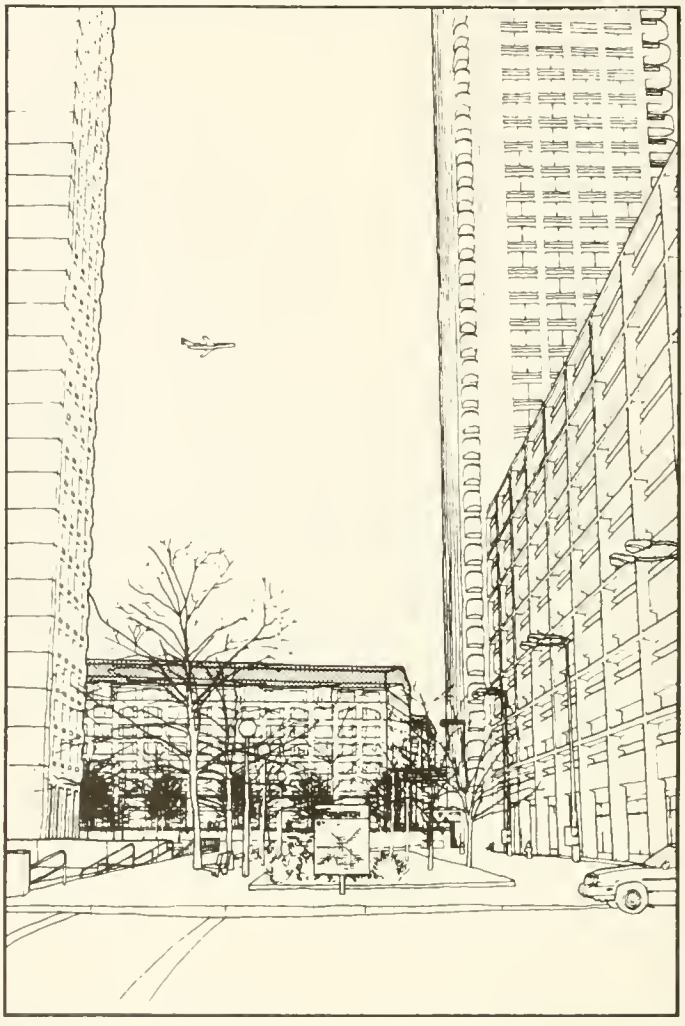
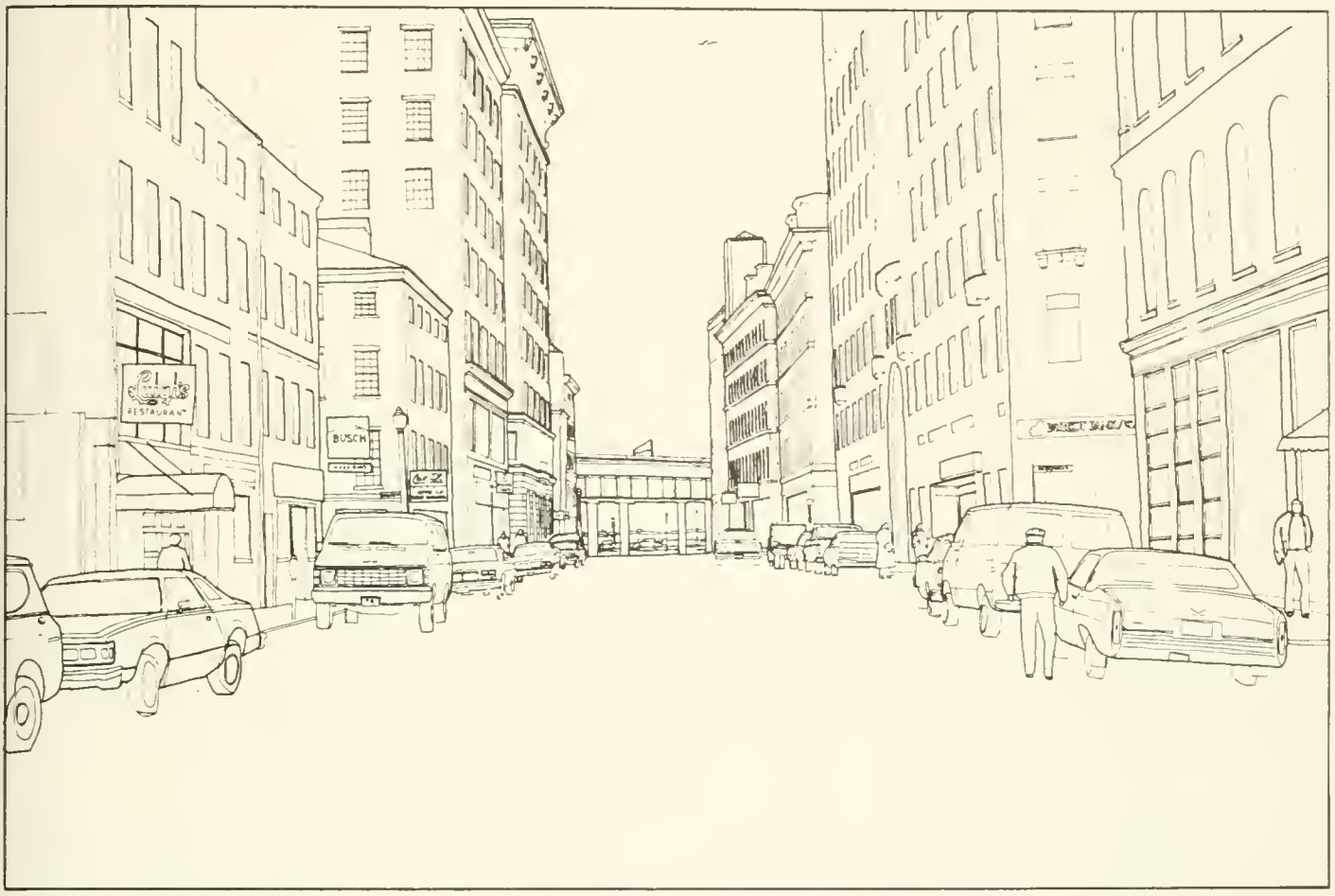


View C - Existing

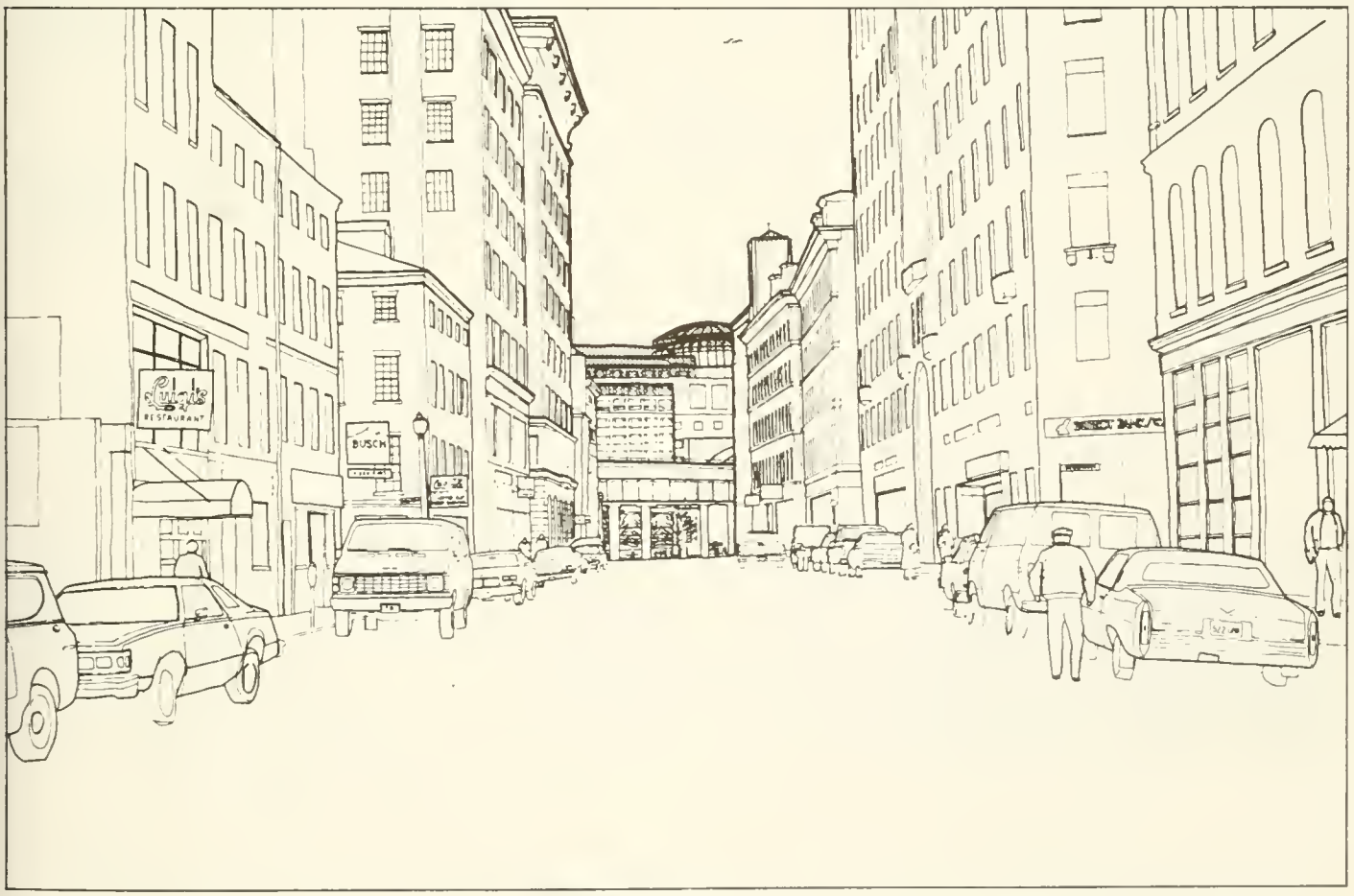


View C - Proposed

Screened areas show additional height necessitated by change in construction method to steel structural system.

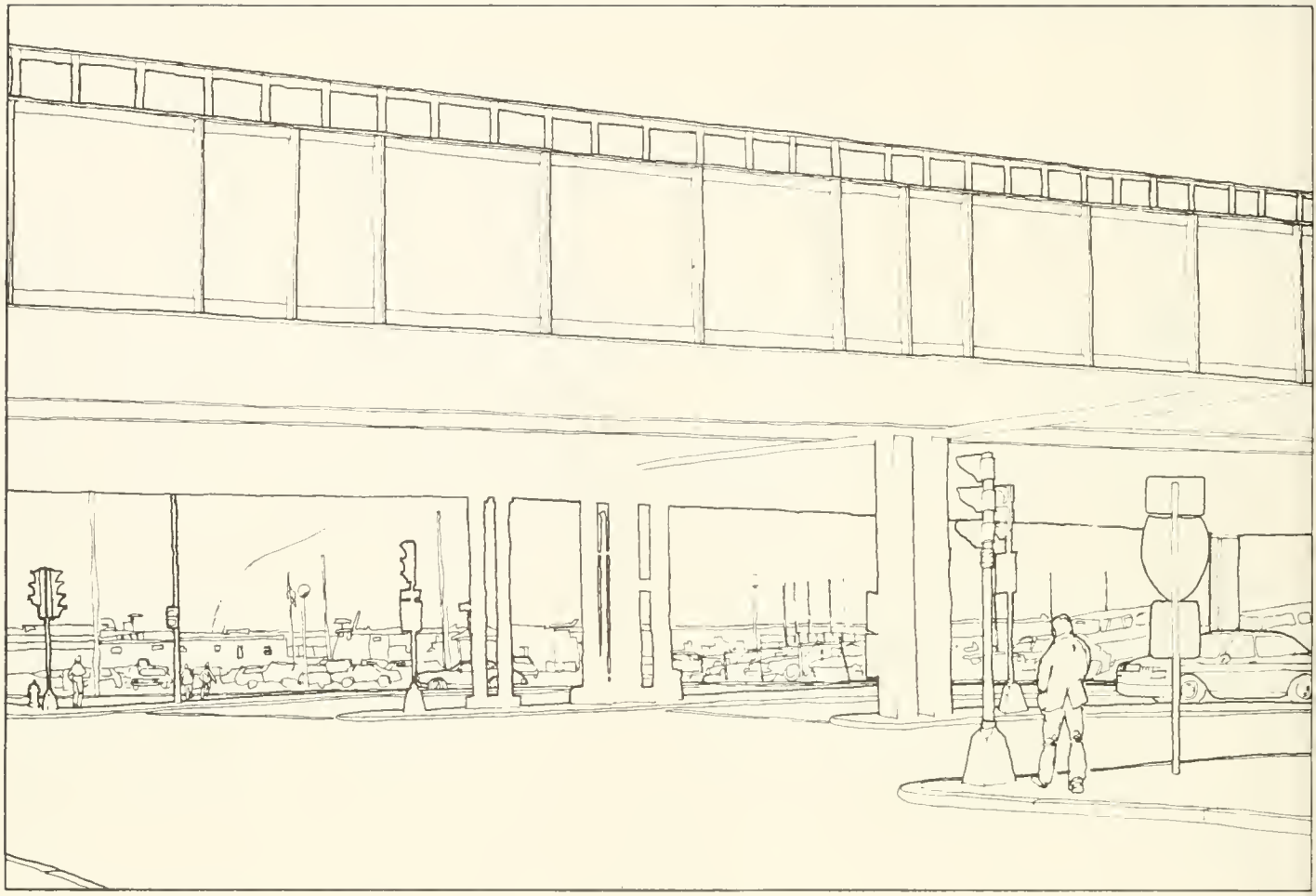


View D - Existing

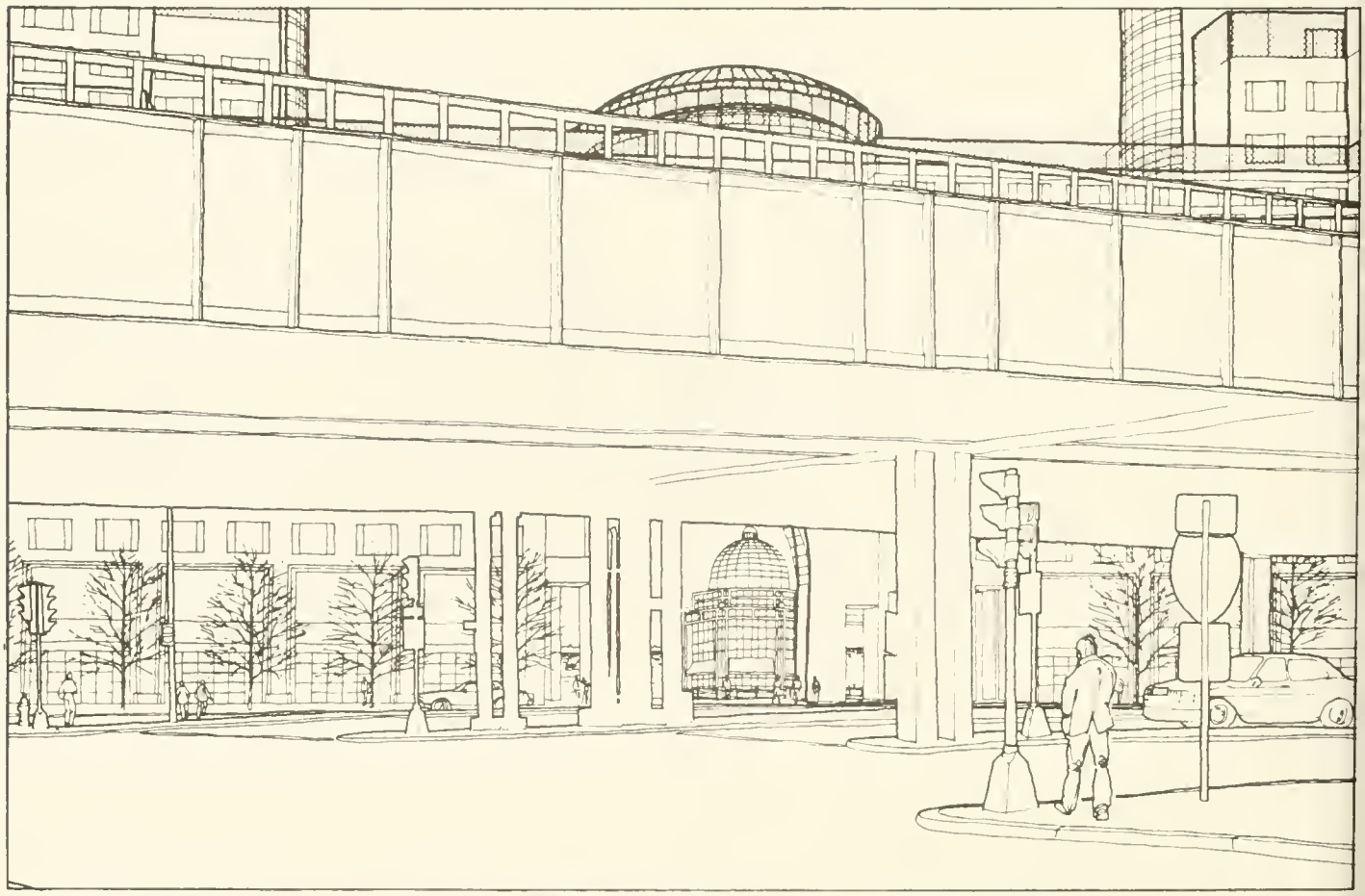


View D - Proposed

Screened areas show additional height necessitated by change in construction method to steel structural system.

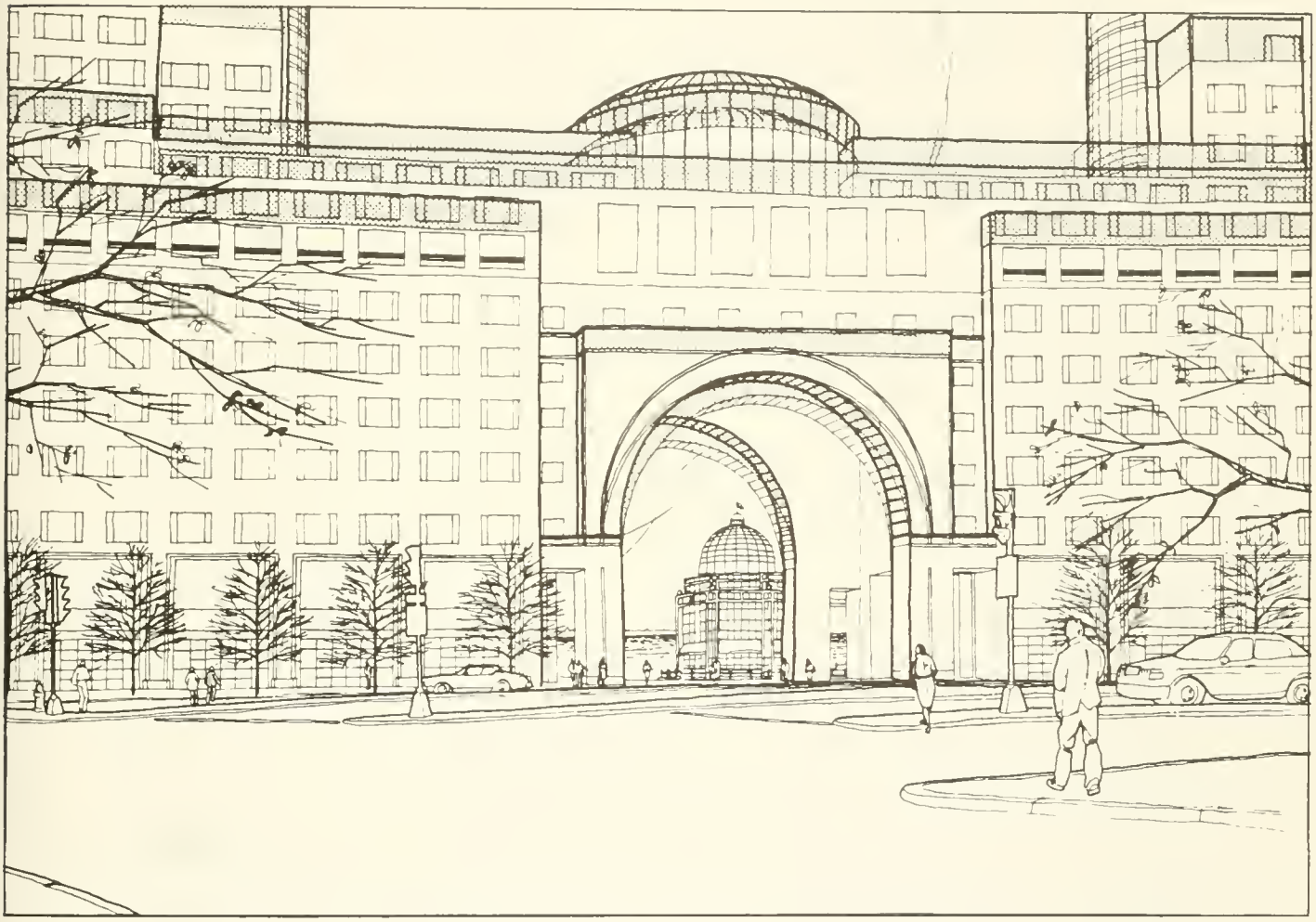


View E - Existing



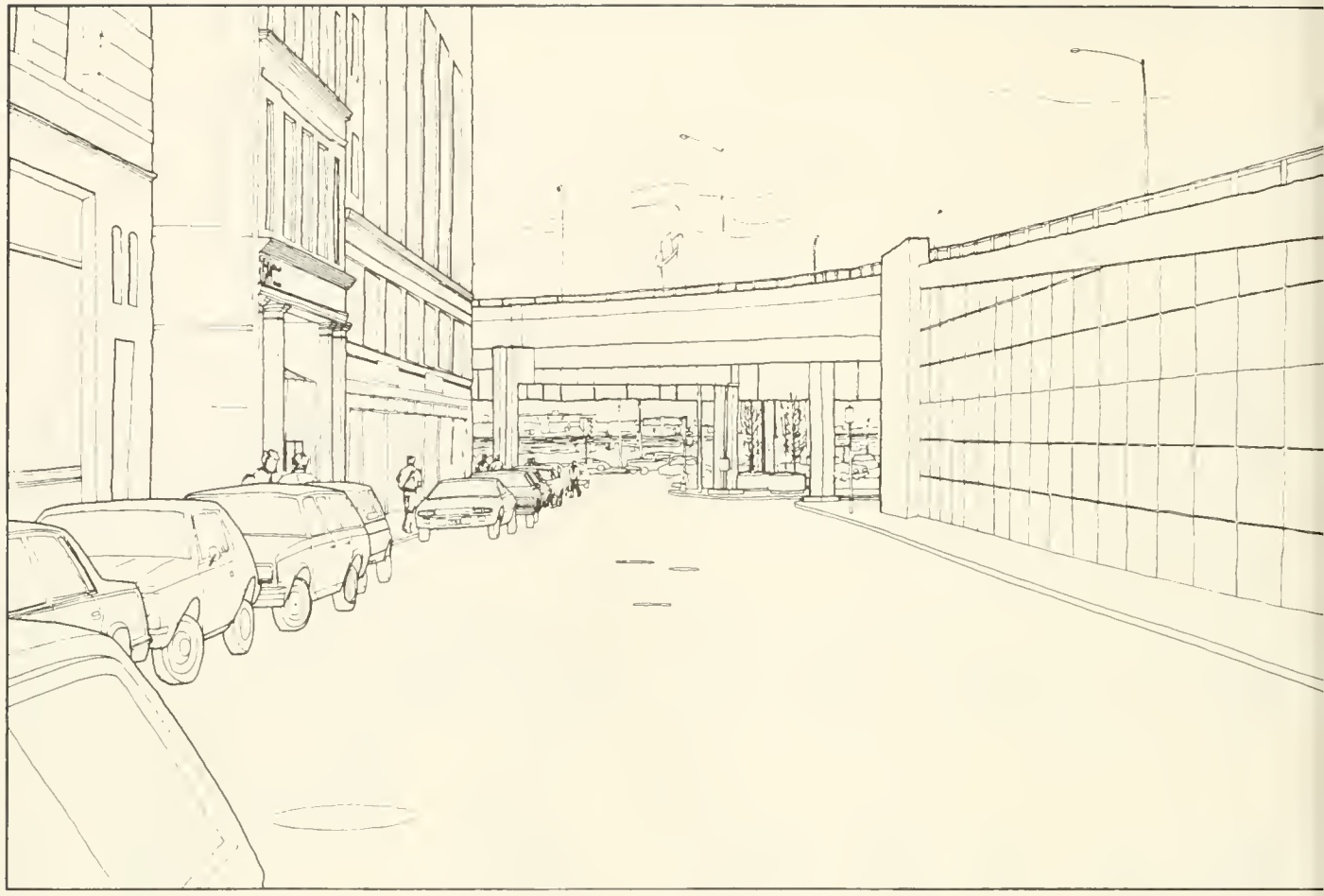
View E - Proposed

Screened areas show additional height necessitated by change in construction method to steel structural system.

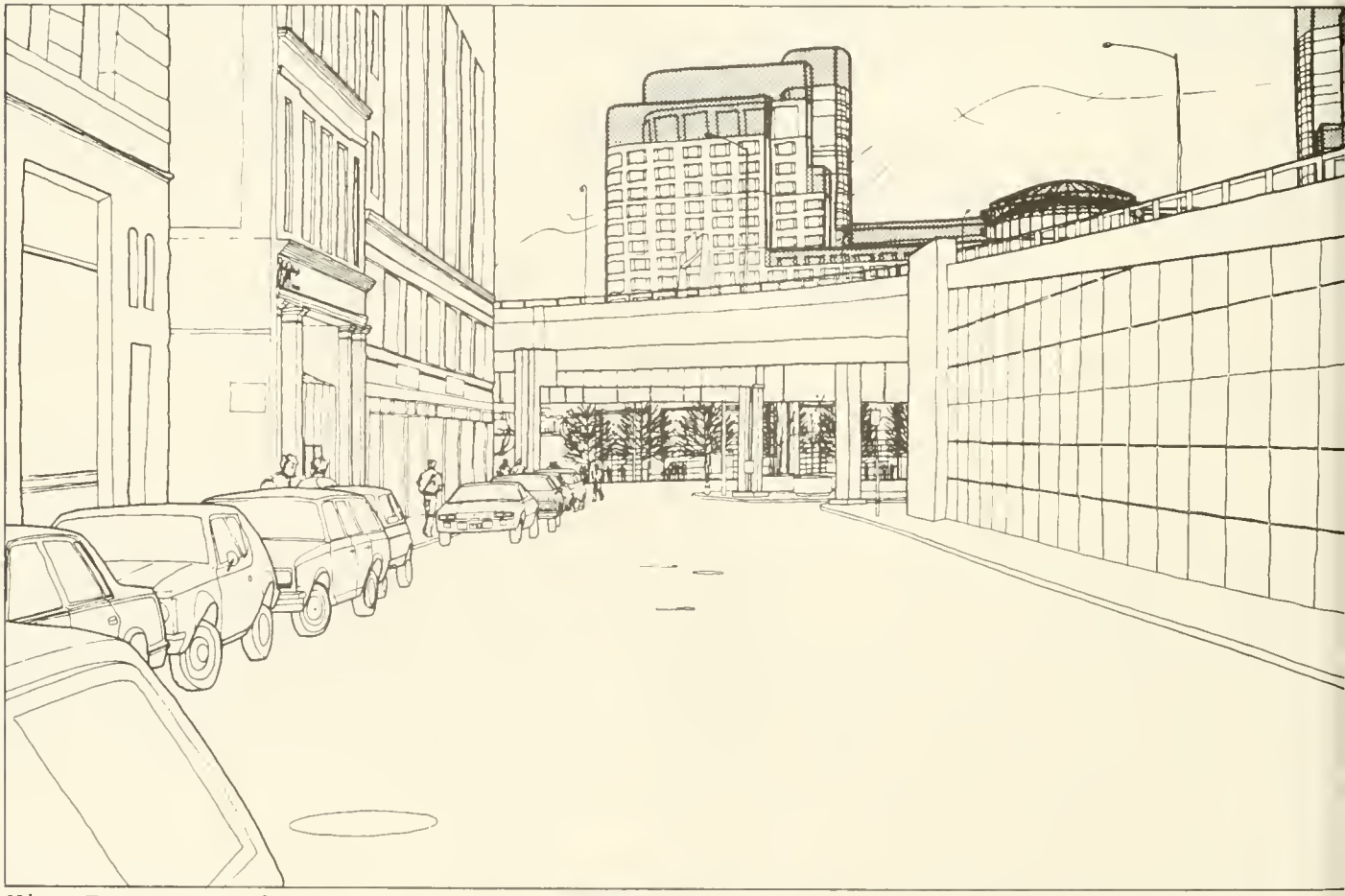


View E - Depressed Central Artery

Screened areas show additional height necessitated by change in construction method to steel structural system.



View F - Existing



View F - Proposed

Screened areas show additional height necessitated by change in construction method to steel structural system.

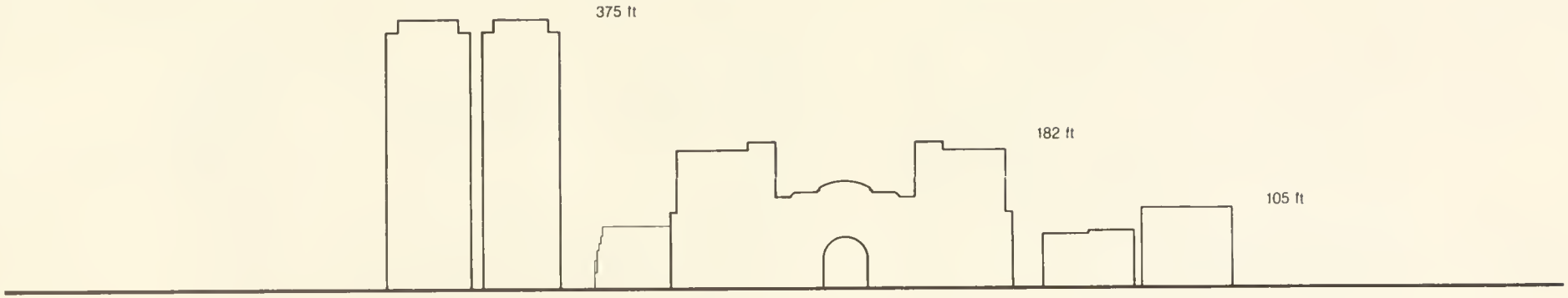
Visual Quality -- The analysis of this major mixed-use development for the Draft EIR included an analysis of visual quality including: height, scale, massing, connections/linkage, architectural character, materials, view corridors, public accessibility, and pedestrian movement/activity. The design modifications, adding up to 17 feet to portions of the structure, also have been analyzed for possible effects on these visual aspects. The analysis indicates that the changes in height throughout the project do not alter the findings of the original assessment. There are no impacts on the connections or on pedestrian access and movement. The impacts on height, massing, and scale are minor and do not affect the overall design or change the manner in which the project will be perceived by site users or the general public. As indicated in the series of sketches included here, the views down the northern and southern easements are unchanged. The redesign also allowed some increase in height in the central arch. Findings of the BRA and BSA support the conclusion of no significant impact (Attachments 1 and 2). In addition, the two cross sections included here show the project in relation to surrounding structures and illustrate quite clearly the compatibility of Rowes Wharf with the City's long-standing efforts to encourage designs which step down to the sea.

Wind -- Boundary layer wind tunnel studies of the Rowes Wharf project are being conducted at the MIT Wright Brothers Facility. This analysis will include both particle erosion techniques and hot wire anemometer readings, and will be included in detail in the Final EIR. Frank H. Durgin of MIT has reviewed the project change and determined that the 17 foot height increase will have no significant effect on wind speeds. (See Attachment 5, letter from F. Durgin.) Preliminary conclusions as to the protection of public walkway areas stand, and further studies to test both mitigation measures and effects of International Place are in progress.

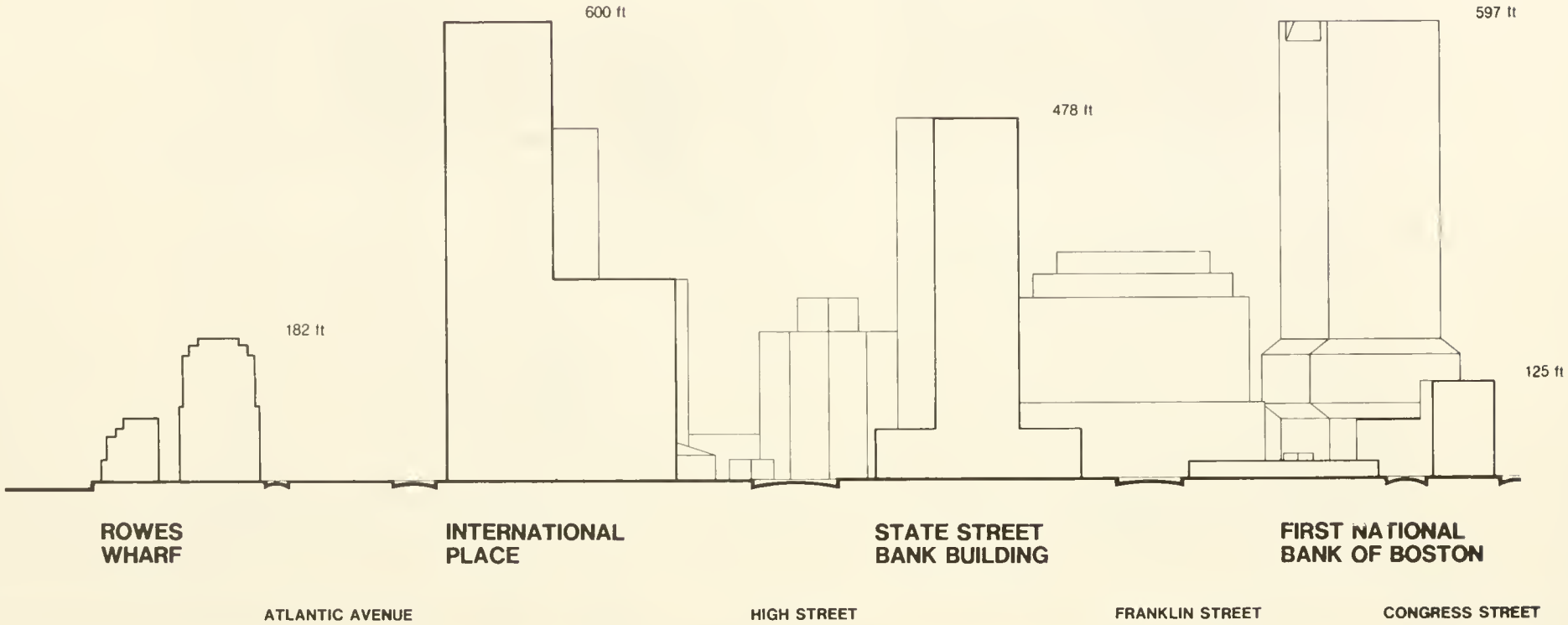
Construction Procedures -- Construction procedures as described in the Draft EIR will be maintained including the substantial financial commitment to a slurry wall construction method, which minimizes water quality impacts and effects on surrounding structures. The change to a steel structure provides the environmental advantages of a shorter construction period and thus less traffic disruption and air quality effects, and earlier access to public open space areas, ferry terminal facilities, and marinas.

As noted earlier, the implications of the change from concrete to steel and the required additional height are positive in terms of construction impacts and project feasibility and have been judged by the BRA and BSA to represent no significant change in the visual quality of the development.

Project in Relation to Surrounding Buildings



NORTH/SOUTH



EAST/WEST

II. Site Plan

In response to the Secretary's comments in the Certificate on the Draft EIR and the comments of permitting agencies and concerned individuals, The Beacon Companies has made adjustments in the overall site plan, which are also submitted at this time. Illustrative site plans of the original site configuration are provided here for your review. Changes include the following:

- No structures extend beyond the State Harbor Line and U.S. Pierhead and Bulkhead line of 1940.
- All public amenities are maintained or enhanced.
- Ferry terminal and waiting area space is provided beyond the program established in the Draft EIR and with the BRA: indoor and outdoor waiting areas are expanded, future expansion space is increased and the location identified, areas for ferry offices, storage, etc. are identified, and boarding area is improved for handling crowds.
- The dinghy dock is relocated to an area free from conflict with ferries.
- The marina is redesigned to provide individual slips, with all public/transient slips maintained.
- Public plaza, walkway, and access areas are maintained.

As has been the case throughout the planning and design for this site, all amenities are designed as permanent installations, making a major contribution to the life and vitality of the whole project.

Background

Recognizing that Rowes Wharf is the first major redevelopment project along the Boston waterfront in many years and that the dilapidated site conditions and program for the site would require site reconfiguration, we began early to contact permitting and review agencies to establish issues and procedures. Many individuals were contacted by phone and a meeting was held to introduce the project to permitting groups on December 5, 1983. Issues addressed included coordination and scheduling of reviews, information required, and preferred construction procedures. At the same time, review sessions continued with the BRA and BSA design review team, The Boston Harbor Associates, Boston Preservation Alliance, Boston Education Marine Exchange and others.

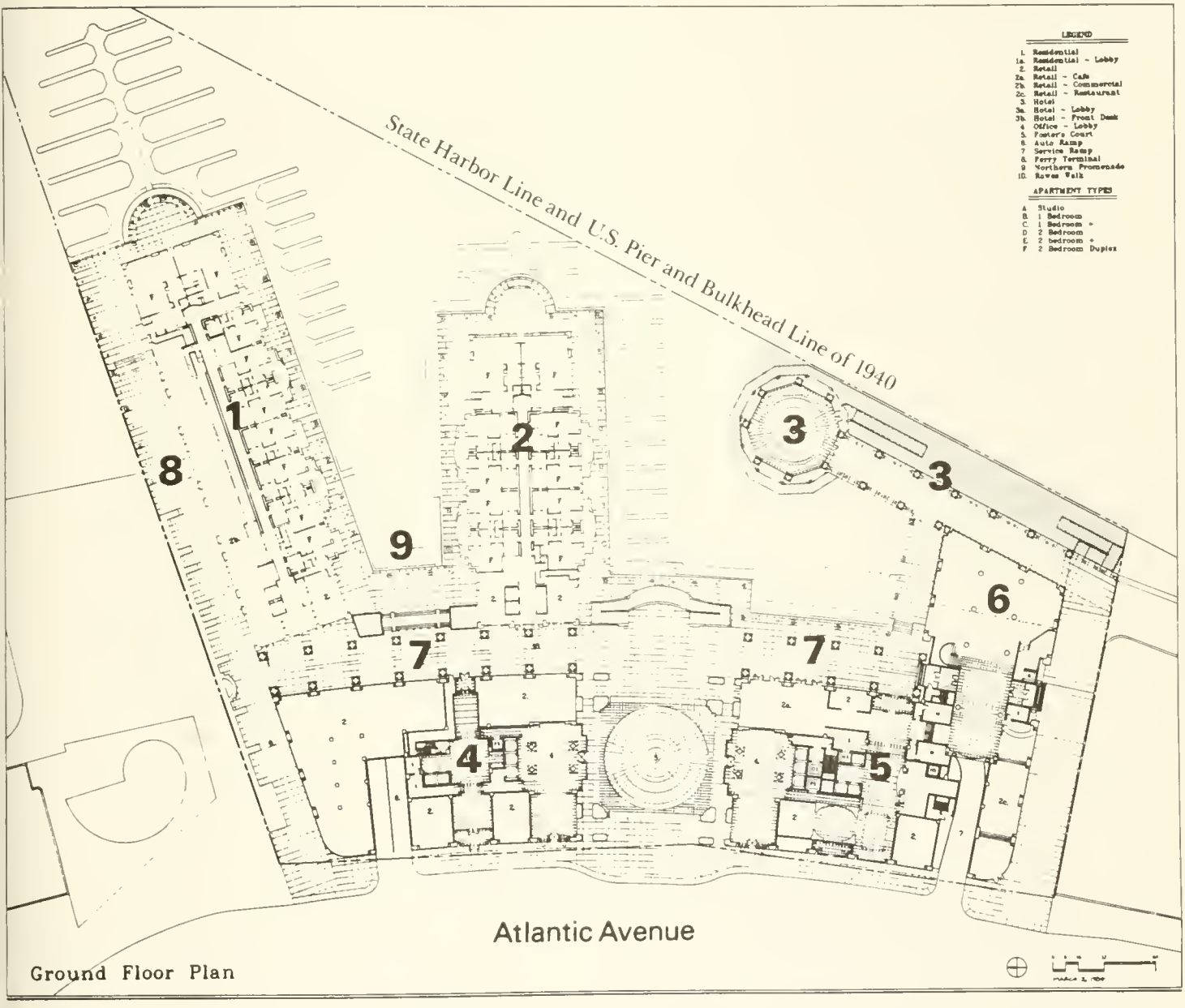
Once construction procedures were more clearly established and a tentative schedule of permits prepared, a second agency information meeting was held on April 18, 1984. At that meeting which representatives of DEQE, CZM and Boston Conservation Commission attended, the problems of construction and permitting beyond the Pierhead and Bulkhead line of 1940 were first clearly

Proposed Development Project
(as presented in Draft EIR 4/84)

Uses

1. Residential/Commercial
2. Residential
3. Ferry Terminal
4. Office/Residential
5. Office/Executive Suites
6. Restaurant/Office
7. Rowes Walk
8. Northern Promenade

Revised Site Plan 6/84



Uses

1. Residential/Commercial
2. Residential
3. Ferry Terminal/Boarding Area
4. Office/Residential
5. Office/Executive Suites
6. Restaurant/Office/Ferry Terminal
   Future Expansion Area (5000 S.F.)
7. Rowes Walk
8. Northern Promenade
9. Dinghy Dock

identified for The Beacon Companies. Since that time, considerable legal, design, and planning efforts have been expended in order to identify the present State Harbor line and redesign the project to maintain all uses within that line.

Comments received on May 1, 1984, at a public information meeting on the Draft EIR held by The Beacon Companies, comments submitted to MEPA on the Draft EIR, and direction provided in the Secretary's Certificate on the Draft EIR have all helped to clarify this issue and direct the redesign effort. The new site plan prepared by Skidmore, Owings & Merrill and Childs Engineering Corporation, marine engineers, is provided here for review.

Ferry and Marina Facilities

When The Beacon Companies entered the competition for development of the Rowes Wharf site, the requirement for a ferry terminal had been identified but no specific service program established. Preliminary meetings were held with individuals at the State DPW, CTPS, and in community groups to get a general idea of facilities needed. Once designated, The Beacon Companies commissioned an intensive study of ferry facilities, equipment, ridership, and operations requirements in order to refine design plans and develop a facility that would serve the demands efficiently and be an attractive public amenity. Representatives of city and state agencies, ferry operators, and national experts on ferry services were interviewed and data compiled. As a result, a ferry terminal program was established and provided to the BRA as part of the Schematic Design submission (see Attachment 6, Ferry Terminal Program). The results of this effort were generally:

- to locate the enclosed ferry waiting area as close as possible to the boarding area;

- to anticipate peak loads for indoor waiting space of three ferries loading and unloading within one hour; and

- to provide 2,500 square feet of enclosed waiting area and passenger service/ticketing area to accommodate that peak demand.

This full program is accommodated in the new site plan as illustrated here. In fact, a number of improvements have been made.

- An expanded boarding area with two access/egress ramps is provided for better handling of crowds and multiple boardings. The boarding area is a permanently installed floating platform to allow easy access to the vessels. A covered or protected waiting area is provided at both ends of the platform.

- Additional expansion area is identified in a 5,000 square foot area at the end of the southern pier which can be used as needed for ferry operator offices, storage, or other support facilities.

Representatives of The Beacon Companies will continue to meet with the recently formed Water Transportation Group, ferry operators, abutters, and other interested individuals to further refine ferry terminal plans and facilities.

Plans for the marina have also been revised as indicated on the new site plan. All marina slips are maintained within the State Harbor line and the full complement of public/transient slips is provided on permanent facilities within this area. At the recommendation of Childs Engineering, a higher quality marina structure is now designed providing all individual slips. This will also help to reduce any potential damage to boats which may be subject to storm conditions in the Inner Harbor area. The dinghy dock has been relocated from the southern inlet to the inlet between the north and central piers for better protection from wave action, to avoid potential conflicts with ferries, and to provide more direct access to anchorage areas.

Environmental Effects

Environmental assessment areas which could be affected by the change in site configuration include water quality and water-related activities. Minor changes in the location of piles is anticipated and therefore any change in water quality effects or construction procedures will be minimal. Any such changes will be noted and assessed in the Final EIR, along with a full response to all other questions raised.

Effects on water-related activities on-site have been described above and generally result in a maintainance or enhancement of facilities. The Coast Guard Marine Safety Division officers and Childs Engineering have both indicated that the ferry landing along the Harbor line is an acceptable alternative to the perpendicular pier and will be somewhat similar to present landing patterns. The Coast Guard has also commented that the relocation of the ferry pier to the southern portion of the site contributes to navigational safety and efficient operations.

Relationship of these on-site facilities to off-site activities such as the anchorage areas will be further explored and all possible efforts made to resolve these issues before filing of the Final EIR. Since the Secretary's Certificate was issued, meetings have been held with the U.S. Coast Guard Marine Safety Division, the Boston Harbormaster, and Assistant Harbormaster. Conversations have also been held with representatives of the sailing club that uses a major proportion of the anchorage areas and was instrumental in their establishment. All parties have agreed on a general direction for reconfiguration which will provide both a more protected anchorage area and sufficient fairway for full ferry service. A full report on efforts to mitigate this impact will be provided in the Final EIR.

III. Parking Program

The third area of project change is in the number and allocation of parking spaces associated with the Rowes Wharf development. At the time of the Draft EIR analysis, parking plans and below grade structural systems were still under development. Therefore, it was decided to analyze 700 parking spaces, the maximum number that could be envisioned, in order to present a worst case traffic and air quality analysis. Based upon this "worst case" analysis, the project is anticipated to have minimal or no effect on levels of service at surrounding intersections. Based upon a microscale analysis of carbon monoxide, the "worst case" air quality assumptions show no violation of National Ambient Air Quality Standards (NAAQS).

Since that time, comments by the BRA and the Boston Air Pollution Control Commission (BAPCC) have resulted in the reduction of the total proposed facility to 575 spaces. The proponent has modified the design to reflect this reduction, and on May 21, 1984, filed an application for the modified plan with the BAPCC. This application is now being reviewed.

The reduced plan maintains the garage facility entirely below grade, along with the service and truck dock areas. The breakdown of users to be accommodated by the reduced parking space is shown in the following table.

Use	Parking Space Allocation	Basis For Allocation
1. Residential(1)	170 spaces	1/unit + 10 visitor
2. Employee(2)		
o Office	125 spaces	1/2,000 sf
o Hotel	55 spaces	1/4 suites
3. Commercial/(3) Public	225 spaces	Described in detail below
Total:	575 spaces	

Footnotes

(1) Spaces for residents and their visitors will be sold to unit owners and will be segregated in the northern end of the site, in the area closest to the residential unit.

(2) Employee spaces are for individuals employed at Rowes Wharf, tenants of the office building, hotel overnight guests, and individuals using the hotel meeting space.

(3) The commercial spaces will be available on a short-term basis. The 225 spaces provided maintain the same number of public spaces currently available at the site, allowing continued access of the public to waterfront and downtown attractions and to the ferry services that will operate from Rowes Wharf.

Technical analysts for traffic and air quality have been asked to review the new parking program in light of their earlier findings. In each case, Vanasse/Hangen and Tech Environmental note that any adverse effects on traffic congestion and therefore air pollution will be reduced by this change in the number of parking spaces (Attachments 7 and 8). Therefore, the "worst case" analysis covers all potential traffic and air quality impacts which could be anticipated with this development.

We therefore submit this project change for your information and emphasize the likelihood of reduced project impacts. Naturally, the final parking program is subject to the approval of the City of Boston Air Pollution Control Commission.

IV. Attachments

1. BRA recommendation on height

2. BSA recommendation on height

3. BRA resolution on height

4. SOM report on height

5. Letter from Frank Durgin, MIT Wright Brothers Facility, June 6, 1984

6. Ferry Terminal Program, submitted to the Boston Redevelopment Authority, March 1, 1984

7. Letter from David A. Bohn, P.E., Vanasse/Hangen Associates Inc., May 30, 1984

8. Letter from Peter H. Guldberg, Tech Environmental, May 30, 1984

ATTACHMENT 1

MEMORANDUM

APRIL 19, 1984

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: WATERFRONT PROJECT, MASS. R-77,
MINOR MODIFICATION TO THE URBAN RENEWAL PLAN

The Authority's tentatively designated redeveloper of Rowes/Fosters Wharf has been working with the design staff, in accordance with the Authority's design review procedures, to refine the design for its project on that parcel. As you will recall, at the time of tentative designation, the initial project design was reduced in height from 19 stories to 16 stories, with a resulting height of 165 feet. However, it has become clear through the design review process that substantial benefits to the project and the Authority can be derived from constructing the 16 story building using a steel structural system rather than a concrete system. The benefits include a better system for distribution of mechanical and electrical systems, which provides better marketability of office and residential spaces, and the shortening of the construction period by 3 to 6 months. The shorter construction period hastens the start of the Authority's percentage rent participation and provides for an earlier realization of new permanent jobs and full tax payment to the City.

Changing from a concrete structural system to a steel structural system will add only about one foot to the height of each story, increasing the overall height of the building by approximately 17 feet. However, except for the minor increase in height, there will be no change in the exterior building materials or in the appearance of the structure and no additional floor area will be created. Implementation of this structural change will require a minor modification of the Building Requirements for the parcel set forth in the Downtown Waterfront-Faneuil Hall Urban Renewal Plan.

In the opinion of the Chief General Counsel, such proposed modifications are minor and do not substantially or materially alter or change the Plan.

It is, therefore, recommended that the Authority adopt the attached Resolution modifying the Downtown Waterfront-Faneuil Hall Urban Renewal Plan and authorize the Director to proclaim the same.

An appropriate Resolution is attached.

Attachment:

ATTACHMENT 2

Rowes Wharf

PADJEN ARCHITECTS, INC.
50 CROSS STREET, PO BOX 311
TOPSFIELD, MASSACHUSETTS 01983
(617) 887-6400

MEMORANDUM

TO: Robert Kroin, BRA

FROM: Oscar Padjen, BSA

DATE: April 17, 1984

RE: Rowes Wharf Review
Meeting of April 5, 1984

1. The following are some comments from the BSA Design Assistance Team. Paul Sun was not able to attend the meeting, but will arrange to view the current drawings at your office. I will call you if he has any additional thoughts.

2. The current proposal by the Developer to slightly increase the floor-to-floor heights to allow the use of steel construction and to accommodate the building systems appears to have substantial advantages in terms of construction technique, decreased construction time and reduced costs.

   The proposed height change will not significantly alter the project character, scale, or proportions, and will have little apparent effect on the urban environment, particularly considering the current and proposed adjacencies.

3. The proposed use of concrete trim and facings should be limited or denied. The proposal, as presented, was not compelling or convincing. In any case, the enriched stone treatment with relieved glass should be further developed.

4. The project's materials and articulations within the public's general view and interaction should not be subject to cost expediency. Any such compromises will only serve to water down an otherwise significant project.

Oscar Padjen

Oscar Padjen, AIA

cc: Sturgis
Minifie
Sun
UDC

ATTACHMENT 3

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY

RE: PROCLAIMER OF MINOR MODIFICATION OF THE DOWNTOWN WATERFRONT - FANEUIL HALL URBAN RENEWAL PLAN, PROJECT NO. MASS. R-77

WHEREAS, the Urban Renewal Plan for the Downtown Waterfront - Faneuil Hall Urban Renewal Area, Project No. Mass. R-77, was adopted by the Boston Redevelopment Authority on April 16, 1964, and approved by the City Council on June 8, 1964; and

WHEREAS, Section 1101 of Chapter XI of said Plan entitled "Modifications" provides in pertinent part that the Urban Renewal Plan may be modified at any time by the Boston Redevelopment Authority where the proposed modification will not substantially or materially alter or change the Plan; and

WHEREAS, the Boston Redevelopment Authority has tentatively designated Rowes Wharf Company with the Beacon Companies as principals, having a local address of One Post Office Square, Boston, Massachusetts, 02110, as redeveloper of Parcels A-1/D-6 in the above referenced Urban Renewal Area; and

WHEREAS, the proposed redevelopment will necessitate modifications of the Downtown Waterfront - Faneuil Hall Urban Renewal Plan; and

WHEREAS, the Authority has determined that said modifications are minor modifications under Section 1101 of the Downtown Waterfront - Faneuil Hall Urban Renewal Plan.

NOW THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That the maximum building height (in feet) for Parcels A-1 and D-6 as set forth in the table entitled "Table of Land Use and Building Requirements" contained in Section 503 of Chapter V of the Downtown Waterfront - Faneuil Hall Urban Renewal Plan, as amended, is hereby amended by deleting the number "165" and inserting in place thereof the number "182", followed by a referenced to footnote 13/ and by inserting in said table the following footnote:

13/ Building height for such parcel shall be calculated to the top of the roof slab of the uppermost habitable floor and shall exclude any mechanical, air conditioning, elevator or stair rooms, equipment, housings, or towers or any parapet enclosing such rooms, equipment, housings or towers.

2. That these modifications are found to be minor modifications which do not substantially or materially alter or change said plan.

3. That it is hereby found and determined that the minor modifications of the Plan as set forth herein will not result in significant damage to or impairment of the environment and, further, that all practicable and feasible means and measures have been taken and are being utilized to avoid and minimize damage to the environment.

4. That all other provisions of said Plan not inconsistent herewith be and hereby are continued in full force and effect.

5. That the Director be and hereby is authorized to proclaim by certificate these minor modifications of the Plan in accordance with the provisions of the Urban Renewal Handbook RHM 7207.1.

ATTACHMENT 4

SKIDMORE, OWINGS & MERRILL

April 5, 1984

Mr. W. Gary Atkinson
The Beacon Companies
One Post Office Square
Boston, MA 02109

RE: Rowes Wharf - Recommended Building Height

Dear Gary:

We have prepared the enclosed report entitled "Rowes Wharf - Height Comparison: Recommended Design vs. Competition Design" dated April 5, 1984, to document our recommendations that you request the Boston Redevelopment Authority to grant an increase in the overall building height limitation for the project.

We recommend that the overall building height of the Atlantic Avenue Building from grade of the adjacent sidewalks to the top of the structural roof slab of the highest occupied floor be increased by 16'-11" from 165'-0" to 181'-11".

Such increase, which is approximately 1'-0" per floor, will significantly improve the spatial quality of the residential floors as well as improve the overall constructability and economy of the project. The impact of the increased height on the overall massing and exterior design of the project will be insignificant.

Very truly yours,

John Kelsey

klb

33 WEST MONROE STREET · CHICAGO, ILLINOIS 60603 · (312) 641 5959 · TELEX 25 433

ROWES WHARF

HEIGHT COMPARISON

RECOMMENDED STEEL DESIGN
VS
COMPETITION DESIGN

APRIL 5, 1984

SKIDMORE, OWINGS, & MERRILL
ARCHITECTS ENGINEERS
CHICAGO, ILLINOIS

©SKIDMORE, OWINGS & MERRILL 1984

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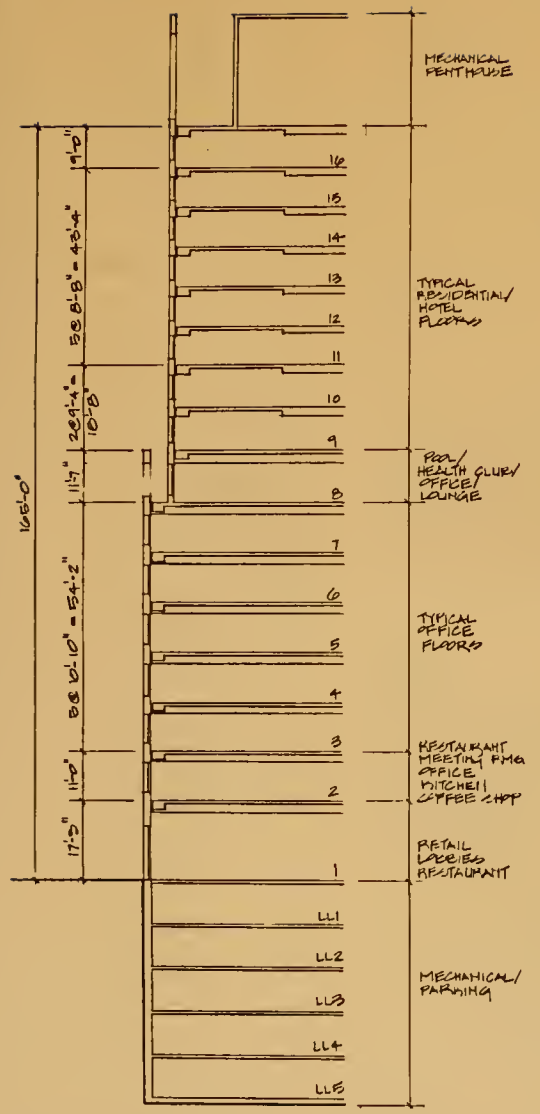
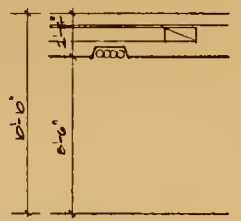
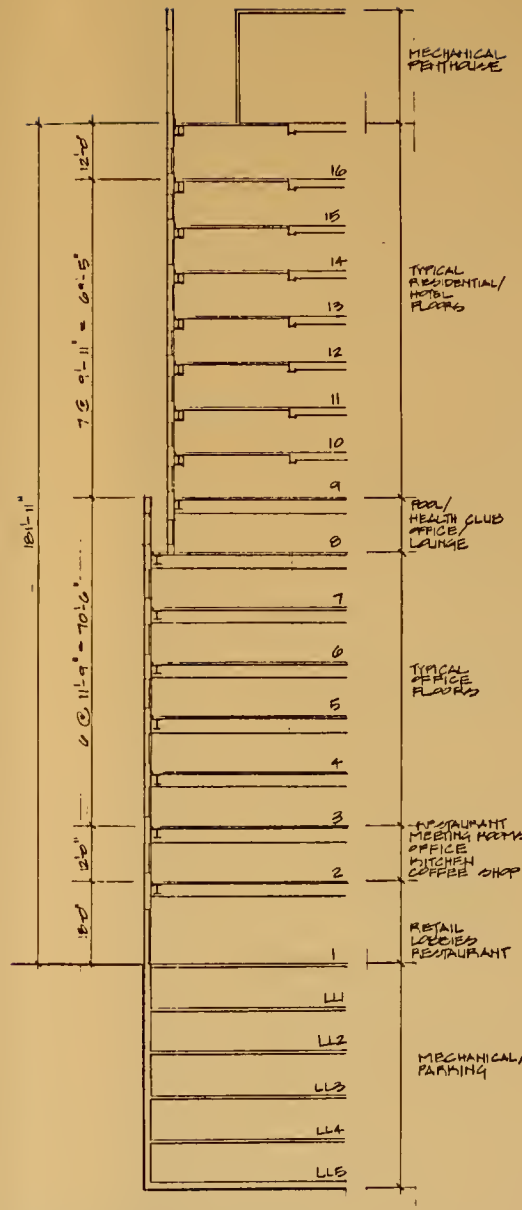


COMPETITION DESIGN

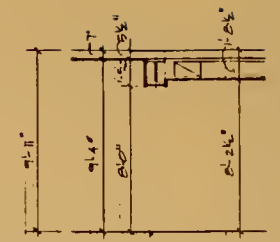
SECTION THRU TYPICAL RESIDENTIAL/HOTEL FLOOR



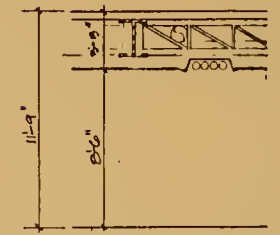
SECTION THRU TYPICAL OFFICE FLOOR



RECOMMENDED DESIGN



SECTION THRU TYPICAL RESIDENTIAL/HOTEL FLOOR



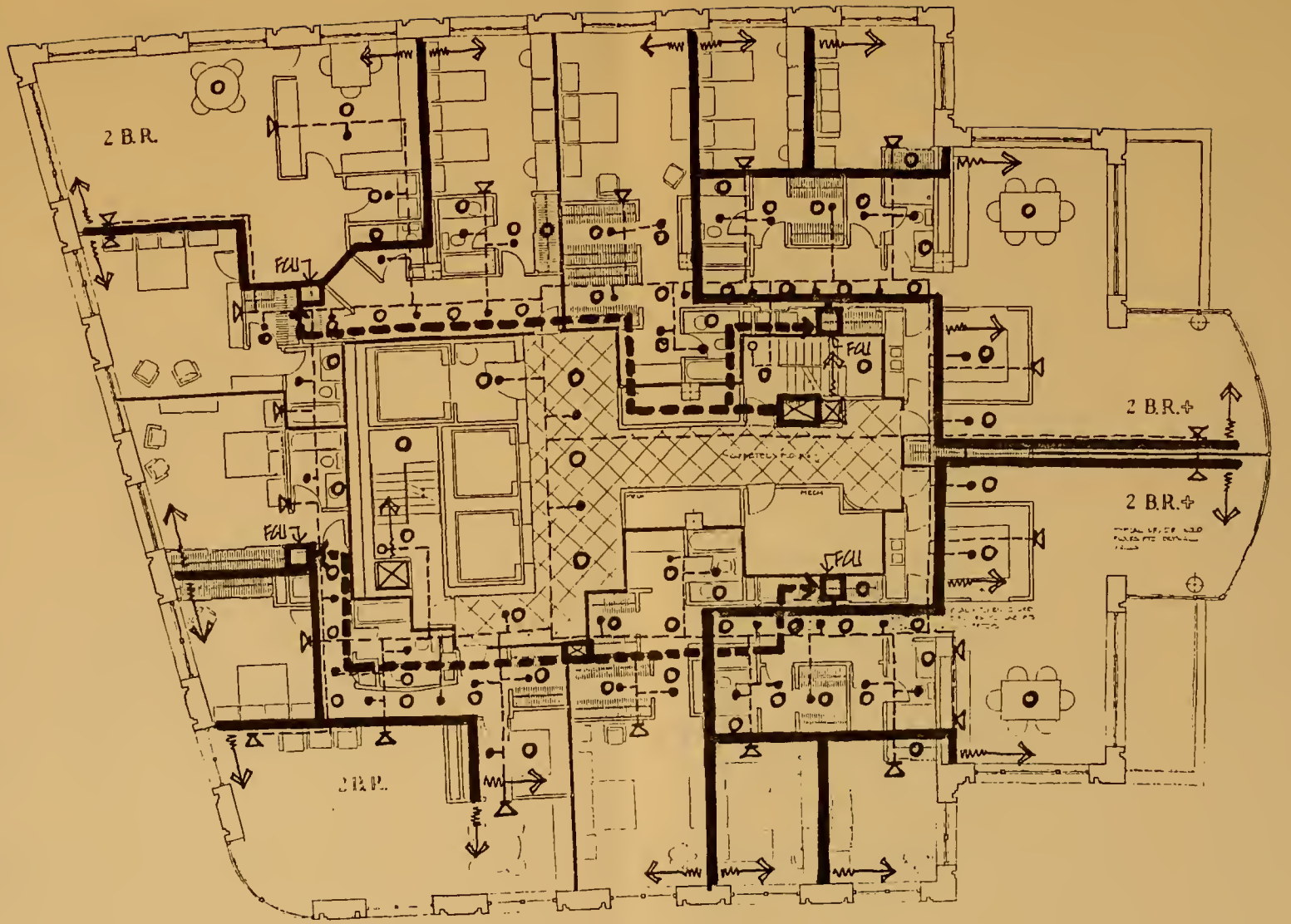
SECTION THRU TYPICAL OFFICE FLOOR

FLOOR	PLR. TO PLR. HGTS. COMPETITION DESIGN	PLR. TO PLR. HGTS. RECOMMENDED DESIGN	INCREASE	REMARKS
16	9'-0"	12'-0"	3'-0"	INCREASE REQ'D FOR DUCT & PIPING CONN. BELOW ROOF
11-15	5@8'-8" = 43'-4"	5@9'-11" = 49'-7"	6'-3"	INCREASE REQ'D TO ACCOMMODATE STEEL STRUCTURE AND TO INCREASE RESIDENTIAL CEILING HEIGHTS
9-10	2@9'-4" = 18'-8"	2@9'-11" = 19'-10"	1'-2"	"
8	11'-7"	11'-9"	2"	"
3-7	5@10'-10" = 54'-2"	5@11'-9" = 58'-9"	4'-7"	INCREASE REQ'D TO ACCOMMODATE STEEL STRUCTURE
2	11'-0"	12'-0"	1'-0"	"
1	17'-3"	18'-0"	9"	"
TOTAL	165'-0"	181'-11"	16'-11"	

FOR MORE DETAILED INFORMATION, REFER TO LARGE SCALE SECTIONS ON SHEETS A3 & A6

COMPARATIVE SECTIONS

A1



TYPICAL RESIDENTIAL PLAN

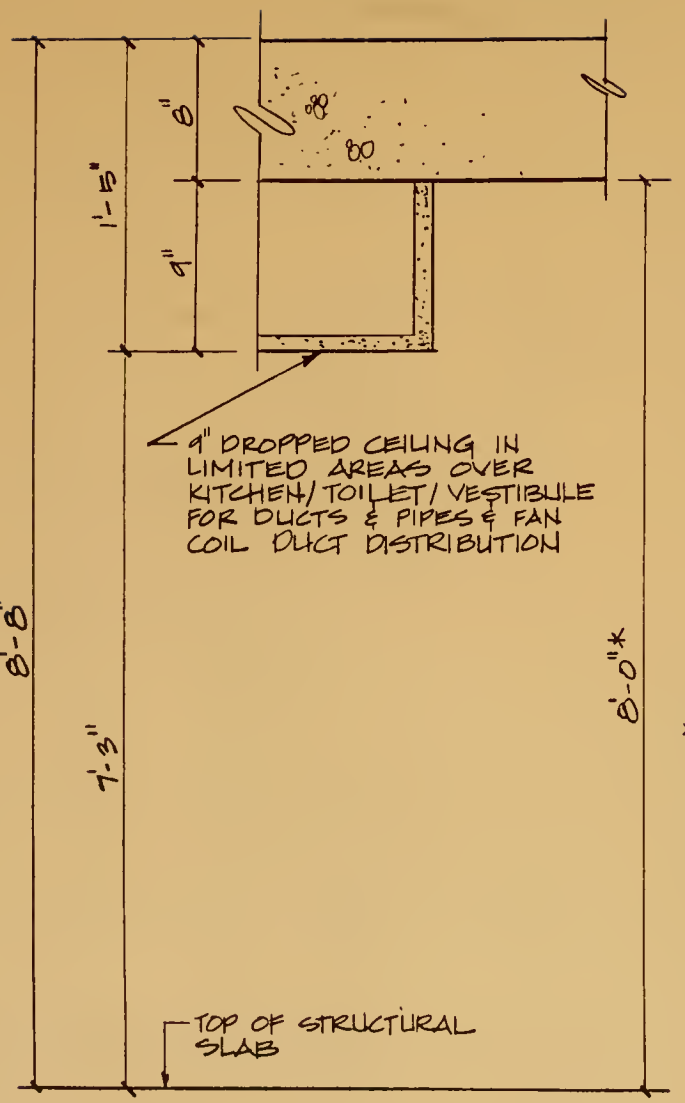
ASSUMPTION

DRYER, TOILET, & KITCHEN AREAS ARE EXHAUSTED BY INDIVIDUAL SHAFTS AT EACH LOCATION

KEY

- SUPPLY AIR DUCT FROM FAN COIL UNIT
- OUTSIDE AIR SUPPLY DUCT TO FAN COIL UNIT
- SPRINKLER PIPING
- CEILING MOUNTED SPRINKLER HEAD
- WALL MOUNTED SPRINKLER HEAD
- LIGHT FIXTURE
- FCU FAN COIL UNIT
- SUPPLY AIR DIFFUSER

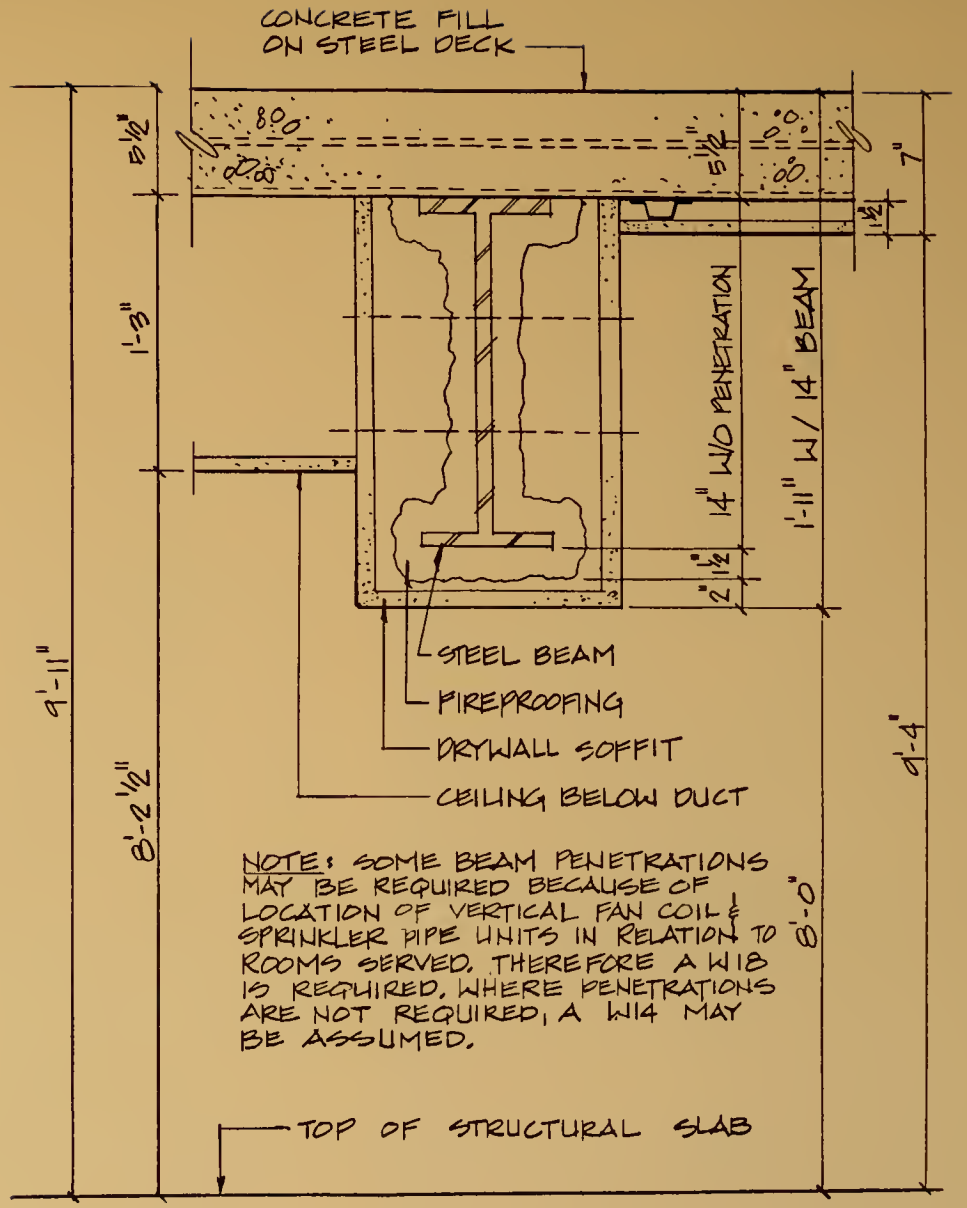
RESIDENTIAL PLAN A2



*NOTE: BASE HEIGHT ASSUMES A SKIM COAT OF PLASTER ON THE UNDERSIDE OF SLAB FOR CEILINGS IN LIVING AREAS & BEDROOMS

SECTION THRU TYPICAL RESIDENTIAL/HOTEL FLOOR COMPETITION DESIGN

SCALE: 1½"=1'-0"



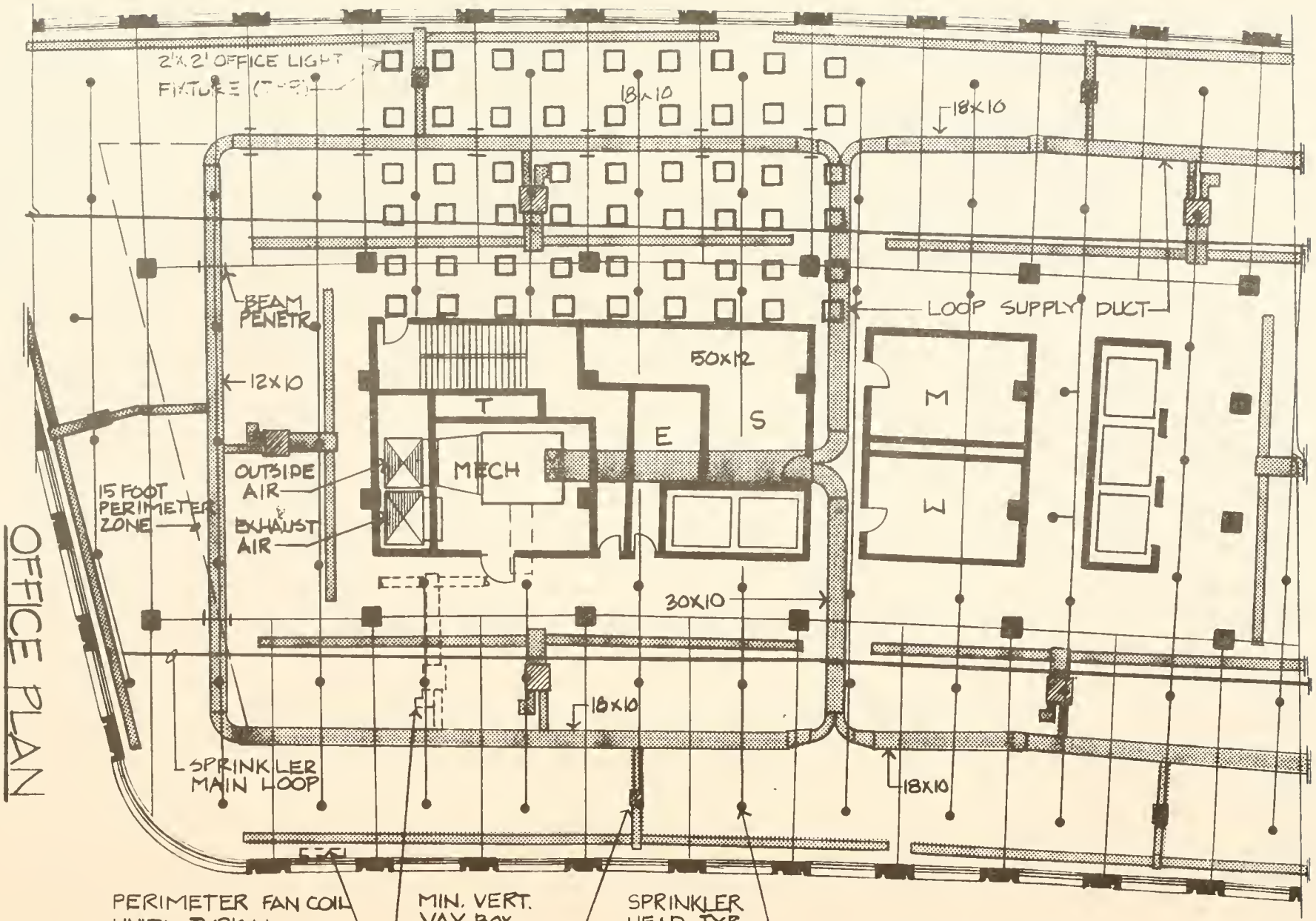
SECTION THRU TYPICAL RESIDENTIAL/HOTEL FLOOR RECOMMENDED DESIGN

SCALE: 1½"=1'-0"

RESIDENTIAL SECTION

RESIDENTIAL FLOORS
ANALYSIS OF BENEFITS OF INCREASED FLOOR TO FLOOR HEIGHTS

ITEM	COMPETITION SCHEME (conc. structure)	RECOMMENDED SCHEME (steel structure)	COMMENTS
Floor Slab Thickness	8"	5 1/2"	Lighter structure - reduces foundation & superstructure cost.
Construction Tolerance	Minimal	1" +	Minimal tolerance causes potential reduction in ceiling height 1" tolerance reduces labor costs
Ceiling height in living and bedrooms	Nominal 8'-0"	9'-4"	Increased height is more appropriate for luxury apts. and hotel units.
Ceiling height in kitchens, baths, and entrances	7'-3"	8'-2 1/2"	Increased height is more appropriate for luxury apts. and hotel units.
Minimum ceiling height in living and bedrooms under slab or floor framing beams	8'-0"	8'-0"	
Ceiling sandwich dim. (excluding floor slab)	9"	1'-3"	
Coordination of Trades			Increased space permits layering of various trades reducing coordination problems as well as inflexible and uneconomical routing of ducts and pipes.
HVAC Systems	No options	Can be optimized	Increased space permits more economical ductwork aspect ratios resulting in reduced steel metal costs.
Acoustical Performance	A concern	Improved	Increased space for hanging MEP systems reduces the possibility of sound transfer of same into ceiling and structure.
Light Fixture Options	Surface mt'd only	Recessed or surface mt'd	Increased space permits fixtures appropriate to luxury apts. and hotel units.
Framing of large slab openings	Bearing wall	Steel beams	Framing beams greatly increase flexibility of location of large floor penetrations for stairs, ducts, elevator, etc., which permits optimization of plans for different occupancies.
Total Floor to Floor Ht.	8'-8"	9'-11"	

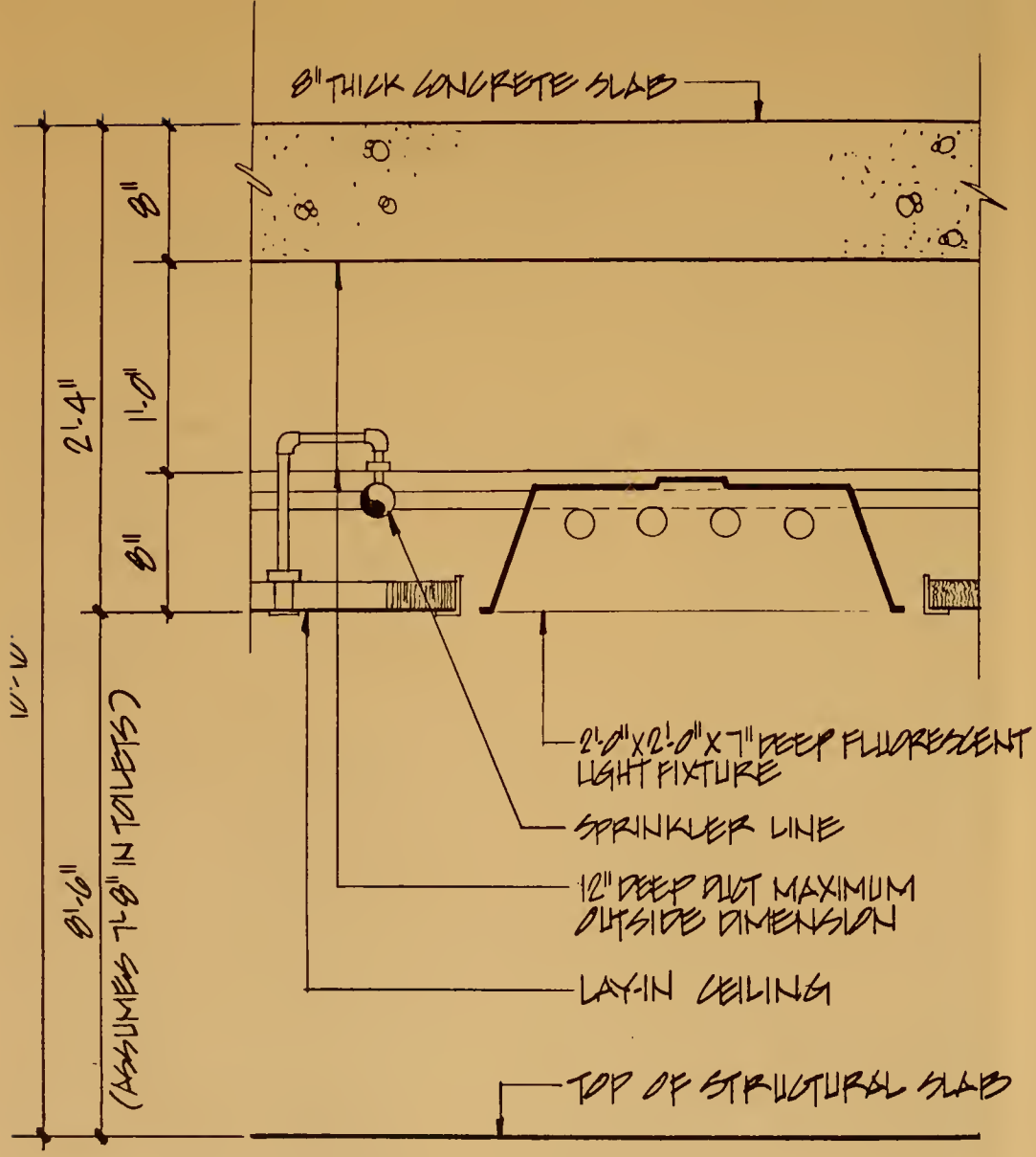


OFFICE PLAN

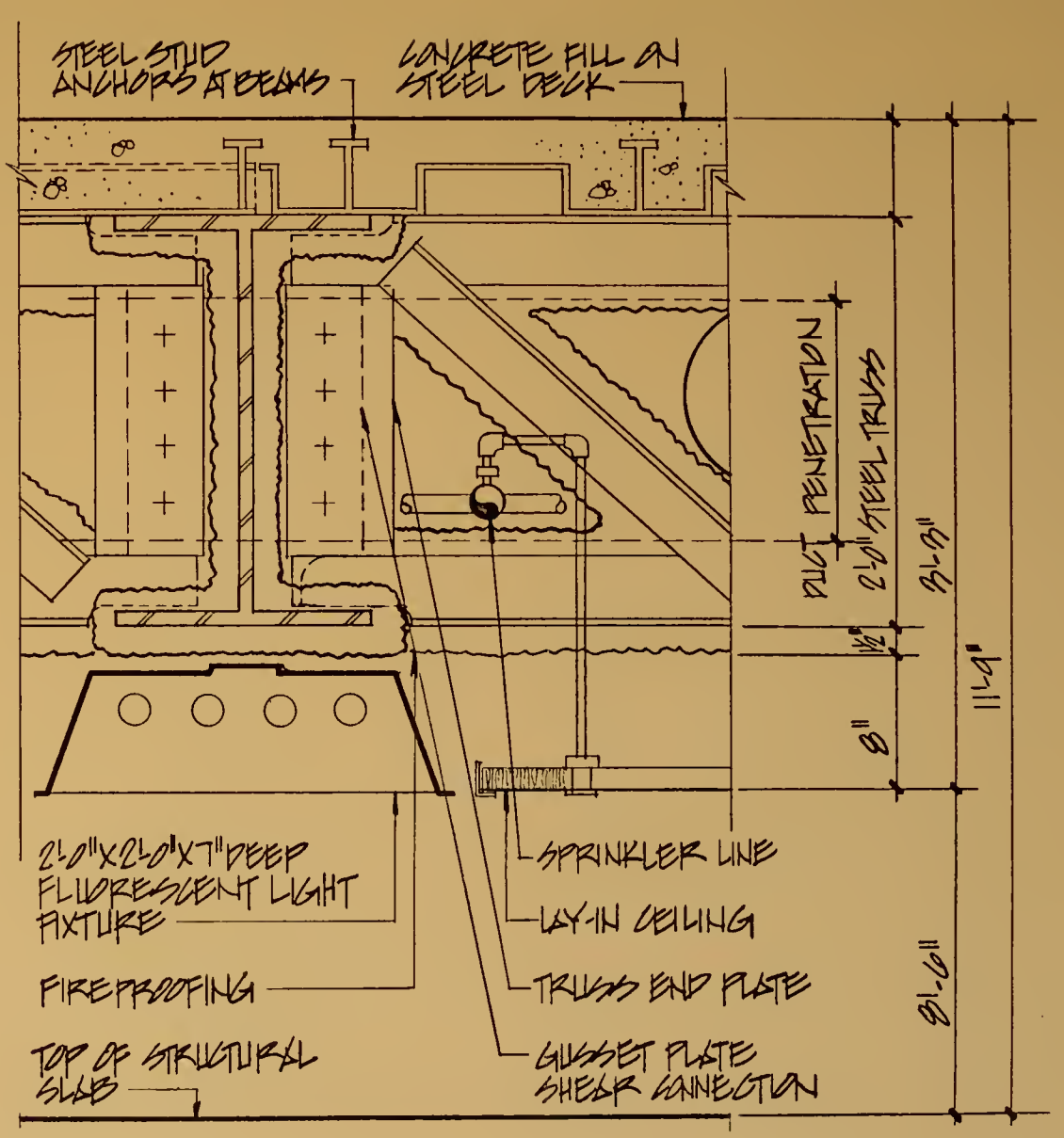
A5

OFFICE PLAN

SCALE 1/8" = 1'-0"



SECTION THRU TYPICAL OFFICE FLOOR COMPETITION DESIGN
SCALE: 1½"=1'-0"



SECTION THRU TYPICAL OFFICE FLOOR RECOMMENDED DESIGN
SCALE: 1½"=1'-0"

OFFICE SECTION

OFFICE FLOORS

ANALYSIS OF BENEFITS OF INCREASED FLOOR TO FLOOR HEIGHTS

A7

ITEM	COMPETITION SCHEME (conc. structure)	RECOMMENDED SCHEME (steel structure)	COMMENTS
Floor Slab Thickness	8"	5 1/2"	Lighter structure - reduces foundation and superstructure costs.
Construction Tolerance	Minimal	1" +	Minimal tolerance causes potential reduction in ceiling height 1" tolerance reduces labor costs.
Ceiling Height (tenant areas)	8'-6"	8'-6"	Boston office market std.
Ceiling sandwich (excluding floor slab)	1'-8"	2'-8 1/2"	1'-0 1/2" greater dim. is a consequence of maintaining a minimum dim. of 7" for lights under the fire- proofed 24" girders and beams.
Ceiling Height (core areas)	7'-6" to 8'-0"	8'-6"	Increased space eliminates possibility of lowered ceilings around core for pipe and duct cross overs.
Coordination of Trades	Difficult, Inflexible	Optimum	Increased space permits layering of various trades reducing coordination problems and inflexible and uneconomical routing of ducts and pipes.
HVAC Systems	No options	Can be optimized	Increased space permits more economical aspect rations for ductwork, thus reducing sheet metal costs.
Acoustical Performance	A concern	Improved	Increased space for hanging MEP systems reduces possibility of sound transfer of some into ceiling and structure.
Light Fixture Options	Shallow, recessed fluorescent	Deep recessed fluorescent and some incandescent	Permits use of deeper but more efficient lighting fixtures.
Framing of large floor openings	Bearing wall	Steel beams	Framing beams greatly increas flexibility of locations of large floor penetrations for stairs, ducts, elevations, etc., which permits optimization of plan layouts for different floor occupancies.
Total Floor to Floor Ht.	10'-10"	11'-9"	

ATTACHMENT 5

DEPARTMENT OF
AERONAUTICS AND ASTRONAUTICS

1984 JUN -5 AM 11:36

THE BEACON COMPANIES
DEVELOPMENT DEPARTMENT

CAMBRIDGE, MASSACHUSETTS 02139
ROOM 17-110 (617)253-2270
TELEX 92-1473 CABLE MIT CAM

June 6, 1984

The Beacon Companies
One Post Office Square
Boston, MA 02109

Attn: Mr. W. Gary Atkinson, Project Manager

Dear Mr. Atkinson:

In accord with your Research Agreement with Massachusetts Institute of Technology, the Wright Brothers Facility (WBF) has been performing boundary layer wind tunnel studies to predict the pedestrian level wind environment anticipated for your proposed Rowes Wharf project in Boston, Massachusetts.

The studies are based on a project design height of 165'-0" measured from adjacent sidewalks to the top structural slab of the north and south "tower" portions of the building located along Atlantic Avenue. You have recently advised us, however, that such height has been increased by 17'-0" to 182'-0" to allow use of structural steel systems in lieu of reinforced concrete systems as contemplated by the original design.

In response to your request that the WBF study the wind effects of the additional height of 17 ft., please be advised that I believe such a change in height will have no significant effect on the results of the study that we have already performed at the original height of 165 ft. However, in the final study that we will perform, a height of the building of 182 ft will be used.

Very truly yours,

Frank H. Durgin
Associate Director
Wright Brothers Facility

FHD:EJM

Skidmore, Owings & Merrill

Memorandum

334 Boylston Street
Boston Massachusetts 02116
617 247-1070

ATTACHMENT 6

Date March 1, 1984

To Carol Gladstone

From Christine Franz-Goldman

Subject Rowes/Fosters Ferry Terminal Analysis, Preliminary Report

Over the last two months, detailed interviews have been held with key actors in water transportation in Boston Harbor and elsewhere. Initial findings of this research have allowed us to establish a program for ferry terminal facilities. The following summarizes this effort and findings.

I. KEY PERSONS/AGENCIES INTERVIEWED

Boat Operators

- Mass Bay Commuter Services, Inc. - Charles English
- Mass Bay Lines, Inc. - William Spence
- Harbor Crossing Company - Arthur Casey (Future operator)
- Bay State Spray & Provincetown Steamship Co. - Richard Nakasian

City Officials

- Boston Redevelopment Authority - Phil Ziegler and Shirley Muirhead

State Officials

- Department of Public Works - Martha Reardon
- Department of Environmental Management - Kathy Abbott
- Executive Office of Transportation and Construction - Ann Hershfang and Cecile Papazian

Federal Officials

- National Park Service - Vince Lombardi
- Urban Mass Transit Authority - Patricia Cass

II. MAJOR INTERVIEW FINDINGS

- English's and Casey's operations are primarily South Shore commuter-oriented. Spence relies on excursions with a token commuter run. All three operate or will operate runs between Rowes and Hingham or Quincy, maintaining their principal facilities on the South Shore.

- English currently operates one boat (137 passenger capacity) with plans for eventually adding six water taxis and two more commuter boats in the "future".
- Casey plans to operate two boats (140 passenger each), initiating his first run in March.
- Spence operates four boats (100-450 passengers). One of these is used for commuters, servicing Hingham.

o Public agencies are reluctant to assume primary responsibility for establishing a coherent water transportation policy for the Harbor and the State. This has resulted in a "stand off" between EOTC, DPW, and DEM.

o The plans for Long Wharf's "Tourist and Ferry Information Center," as well as the Wharf responsibilities of BRA and DEM, have not yet been established. They are to be resolved over the next month.

III. PRELIMINARY ASSESSMENT OF TERMINAL SIZE AND LOCATION

Interviews with potential Rowes Wharf operators, operators elsewhere in the U.S., and research into the literature on ferry terminal design suggest the following guidelines for Rowes Wharf:

o Terminal space should be in full view of arriving boats and as close as possible to the loading areas (especially in relation to commuter facilities).

o Enclosed areas are needed only for commuter services. Excursions are only active in good weather and do not need enclosed/heated space.

o Standards for ferry waiting areas are somewhat more generous than for rapid transit stations. Seven square feet per person is recommended as a minimum on Rowes Wharf (versus a typical three to five square feet per person for other heavily-traveled transit).

o Facilities needed in addition to a waiting area include a small ticketing booth and small storage/employee area.

Assumptions as to use of the Rowes Wharf site are as follows and result in the preliminary program, as noted. Further work will refine this program and design.

Assumptions for Planning of Rowes Wharf Ferry Facilities

- Commuter boats only.
- 3 operators (e.g. Casey, English, Spence).
- P.M. peak-hour load of 600 passengers (i.e. 4 capacity-loaded boats within hour period).
- Peak at 2 boats embarking at same time.
- Maximum of 300 passengers waiting.
- 300 passengers at 7 s.f./person = 2,100 s.f.

3277A:27-29

ATTACHMENT 7

P2032
KA
CFG
RK
RP

Vanasse / Hangen Associates, Inc.
Transportation Engineers & Planners
184 High Street, Boston, Massachusetts 02110
617 / 482-0749

S.O.M.
MAY 31 1984
RECEIVED

May 30, 1984

Ref: 0751

Ms. Karen Alschuler
Skidmore, Owings & Merrill
334 Boylston Street
Boston, Massachusetts 02116-3891

Re: Rowes Wharf Environmental Impact Report (EIR)
Proposed Change in Parking Supply

Dear Karen:

As requested, Vanasse/Hangen has prepared this letter to discuss, in general, the impacts of the proposed changes in the parking supply planned for the Rowes Wharf Project.

The initial assumption made in the Draft EIR was that the project would consist of 700 total parking spaces. More recent efforts have led to a building design with a total supply of 575 spaces, resulting in a net reduction of 125 spaces from that considered in the DEIR. The following table summarizes the current levels, and the magnitude of the change which has occurred.

PARKING SUPPLY SUMMARY

	DEIR Assumptions	Current Proposal	Change
Residential	150	170	+20
Office/Hotel	250	180	-70
Public	300	225	-75
Total	700	575	-125(net)

The two greatest changes are in the office/hotel reserved spaces and in the "public" supply.

The traffic analysis conducted in the DEIR was based on assumed modal splits and driver characteristics which also considered the available parking supply. Clearly, this change in available parking now proposed could have several impacts:

- Some drivers may shift to transit in light of the reduced parking available;
- Public parking on the site will be reduced over that originally assumed; and

o Public parking at other area facilities could increase slightly as drivers park elsewhere and walk to the site.

While we have not redone the traffic analysis in the EIR, it is our opinion that the reduction in parking supply will reduce overall traffic impacts of the project. Since traffic generation is clearly a function of parking availability, with less supply there will be less associated traffic activity. It is likely, given the reduction in parking supply, that an overall 15-20 percent decrease in traffic activity would result in comparison with the DEIR estimate. This should be regarded as an estimate and a more detailed examination of this issue would be required if more specific information is desired.

It should be pointed out that by using a 700 space parking supply, the maximum traffic impact on the surrounding area would be created. As such the analysis in the DEIR represents a "worst case" condition for traffic generation.

If I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,

VANASSE/HANGEN ASSOCIATES, INC.

David A. Bohn

David A. Bohn, P.E.
Senior Project Manager

DAB/mef

ATTACHMENT 8

TE TECH ENVIRONMENTAL
OLD CONCORD ROAD
LINCOLN MA 01773

May 30, 1984

Ms. Karen B. Alschuler
Skidmore, Owings & Merrill
334 Boylston Street
Boston, MA 02116

Re: Rowes Wharf EIR
Change in the capacity of the
on-site parking garage

Dear Karen:

We have reviewed the affect of the proposed decrease in on-site parking from 700 to 575 spaces on the Air Quality Analysis prepared for the Draft EIR. Although a detailed analysis of this change on traffic levels has not been conducted, the number of cars entering and exiting the garage is likely to decrease between 15 and 20% from the levels cited in the DEIR. Peak CO concentrations will experience a similar decrease.

The use of a conservative 15% decrease means that each garage ventilation system will emit no more than 2.49 g/s of CO for the peak 1-hour period, and no more than 1.33 g/s of CO for the peak 8-hour period (paragraph 1, page 16, Appendix 3). The concentrations in the ventilation system exhaust air will be reduced to: 1-hour X = 56.4 ppm, and 8-hour X = 28.8 ppm (paragraph 2, page 16, Appendix 3). The predicted maximum CO concentrations at three receptors impacted by the garage ventilation system for the 1987 Build case are (Figure IV-13, page 65):

Receptor Location	Peak 1-Hour	Peak 8-Hour
Pedestrian Area Near Exhaust Vents	4.3 ppm	0.7 ppm
Nearest Building Air-Intake Duct	4.7	0.8
Intersection Receptor No. 2	2.6	0.4

The results again show that maximum CO concentrations will be below the NAAQS at all receptors.

If you have any questions, please call.

Sincerely,

Peter H. Guldberg

Peter H. Guldberg

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Waterfront
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Skidmore
AUTHOR

Final Environmental Impact
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Rowes Wharf Development

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